

Sr. No. 220

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

TA-1275-2021

Date of Decision: 07.02.2022

Priyanka Sehgal @Priyanka Verma

...Applicant

Vs.

Karan Verma

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Yashasvi Kapila, Advocate,
for the applicant.

Mr. Sidhant Vermani, Advocate,
for the respondent.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act titled as "Karan Verma Vs. Priyanka Verma @ Priyanka Sehgal" pending in the Court of Additional Principal Judge, Family Court, Amritsar to the Court of competent jurisdiction at District Kapurthala.

2. Learned counsel for the applicant submits that petition under Section 125 Cr.P.C. for grant of maintenance filed by the petitioner against the respondent-husband is already pending at Kapurthala.

3. Learned counsel for the applicant submits that applicant/petitioner is currently residing in her parental home at Kapurthala. She has no source of income. The distance from District Kapurthala to District Amritsar is 69 Kms. Father of the applicant-petitioner has already expired. One minor son 1.5-year old is residing with the applicant-wife, who needs constant care and attention of the mother. She cannot leave him behind to attend the Court proceedings. Therefore, it is difficult for her to go to Amritsar on each date of hearing.

4. Learned counsel for the respondent opposes the transfer application.

5. I have heard learned counsel for the parties and have gone through the record of the case.

6. Both the cases pending between the parties are aftermath of matrimonial discord. Keeping in view the contentions in the application and the conceded position that petition under Section 125 Cr.P.C. is already pending before the Court of Learned Principal Judge, Family Court, Kapurthala, it would be proper, appropriate and in the interest of justice if both cases are tried and decided at one place.

7. Learned counsel for the applicant also relies upon judgment of Hon'ble Apex Court in case titled *Sumita Singh Vs. Kumar Sanjay and another, AIR 2002 SC 396*, wherein it is held that transfer of matrimonial proceedings initiated by the husband against wife, convenience of the wife ought to be looked into.

8. In the premise, without going to the allegations/counter allegations, the present transfer application is allowed. The petition in question pending before the Court of Additional Principal Judge, Family Court, Amritsar is ordered to be withdrawn from that Court and is transferred to the District Judge, Kapurthala for its disposal in accordance with law by the Court concerned.

February 07, 2022

vandana

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No

(ARUN MONGA)
JUDGE