

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**TA-1264-2021****Date of Decision: February 14, 2022**

Lakhvir Kaur

...Applicant

Versus

Varishat Simplay and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:** Mr. Parminder Singh Kanwar, Advocate for the applicant.

None for the respondents.

ARUN MONGA, J. (ORAL)

Applicant-wife seeks transfer of petition filed by her husband (respondent) under Section 13 (1) (ia) of the Hindu Marriage Act pending in the Court of Learned Principal Judge, Family Court Camp at Phagwara District Kapurthala to the Court of competent jurisdiction at Hoshiarpur.

2. Learned counsel for the submits that the petitioner-wife would have to travel a distance of about 80 kilometres (up & down) from her place of residence in District Hoshiarpur to the Court of Principal Judge, Family Court, Camp at Phagwara. He further submits that two other cases initiated by the petitioner - a petition under Section 125 Cr.P.C. for grant of maintenance and another petition under Section 12 read with Section 25 of the Guardian and Wards Act, 1890 (for short 'Act') for custody of minor son, namely Akshar Samplay and one more petition filed by respondent No.1 under Sections 12 and 25 of the Act for obtaining custody of minor daughter, namely, Archita are already pending at Hoshiarpur. Therefore, it is difficult for her to go to Phagwara on each date of hearing.

3. It is reported that respondent No.1 had though gone abroad, but his service was effected through counsel. Despite service, none has put in appearance on behalf of respondent No.2 either. In the premise, this Court is of the view that

respondents have deemingly consented to the present transfer application by not contesting the same.

4. I have heard learned counsel for the petitioner and have gone through the record of the case.

5. All the cases pending between the parties are aftermath of matrimonial discord. It would therefore be just, proper, appropriate and in the interest of both parties that all the cases are tried and decided at one place.

6. 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.

7. 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 Learned Principal Judge, Family Court Camp at Phagwara District Kapurthala is ordered to be withdrawn from that Court and is transferred to the District Judge, Hoshiarpur for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

February 14, 2022
mahavir

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No