

Sr. No. 223

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

TA-829-2021

Date of decision: 30.11.2021

Anu Kamboj

...Applicant

Vs.

Amandeep

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Bhupinder Ghai, Advocate,
for the applicant.

Mr. P.S.Jammu, 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 9 of the Hindu Marriage Act bearing case No.HMA/653/2021 titled as "Amandeep vs. Anu", pending in the Court of learned Principal Judge, Family Court, Sirsa, to the Court of competent jurisdiction at SAS Nagar, Mohali.

2. Learned counsel for the applicant submits that a complaint under Protection of Women from Domestic Violence Act, 2005 and proceedings under Section 498-A IPC are already pending at Mohali.

3. Learned counsel for the applicant submits that applicant/petitioner is currently residing with her parents at Mohali. The distance between Sirsa and Mohali is more than 245 Kms. It is, therefore, difficult for her to go to Sirsa on each date of hearing. The petitioner further claims that she cannot properly defend her case at Sirsa.

4. Learned counsel for the respondent-husband joins proceedings and strenuously opposes the transfer petition by saying that petitioner is actually residing at Sirsa. Transfer of the case is being sought only to harass respondent husband.

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

6. Cases pending between the parties are aftermath of matrimonial discord. I do not find any merit in the argument of learned counsel for the respondent-husband, as other proceedings are concededly going on at Mohali. It would thus be more appropriate that if all the cases are tried at one place. Keeping in view the contentions raised in the application and the conceded position that complaint under Protection of Women under Domestic Violence Act, 2005 and complaint under Section 498-A of IPC are already pending at Mohali, it would be proper, appropriate and in the interest of justice if all 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 into the allegations/counter allegations, the present transfer application is allowed. The petition in question pending before the Court of Learned Principal Judge, Family Court, Sirsa is ordered to be withdrawn from that Court and is transferred to the

District Judge, Mohali for its disposal in accordance with law by the Court concerned.

30.11.2021
vandana

(ARUN MONGA)
JUDGE

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