

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

Transfer Application No.295 of 2015

Date of Decision: 23rd July, 2015

Deepti Verma

...Petitioner

Versus

Deepak Sandhu

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Atul Yadav, Advocate,
for the petitioner.

None for the respondent.

- 1. Whether Reporters of Local papers may be allowed to see the judgment?
- 2. To be referred to the Reporters or not?
- 3. Whether the judgment should be reported in the Digest?

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 24 of the Civil Procedure Code, is for transfer of petition filed under Section 13 of the Hindu Marriage Act titled as “**Deepak Sandhu vs. Mrs.Deepti Verma**” from the board of learned District Judge, Ambala to a Court of the competent jurisdiction at Gurgaon.

Learned counsel contends that due to harsh and aggressive nature of the respondent/husband it was not possible for the petitioner/wife to pull on well with him. She along with minor child was forced to leave the matrimonial house and thereafter, she along with her minor child had to take

shelter at her parental house at Gurgaon. Since she had no sources to maintain herself and her minor child, therefore, she filed a petition under Section 125, Cr.P.C., which was decided in her favour. A complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 was also filed and that too was decided in her favour. The execution petitions for relief granted to her are pending at Gurgaon. Since the petitioner is a woman and has no resources to defend her case at Ambala, therefore, petition titled as “**Deepak Sandhu vs. Mrs. Deepti Verma**” be transferred to a court of competent jurisdiction at Gurgaon.

Since no one has appeared on behalf of the respondent, therefore, with the assistance of the learned counsel for the petitioner, the material available on record has been perused.

In the matter of **Sumita Singh vs. Kumar Sanjay & another, AIR 2002 SC 396** Hon'ble the Supreme Court while dealing with the petition under Section 24, CPC, for transfer of a matrimonial case held that “ it is the wife's convenience that must be looked at”. In **Jitender Kaur vs. Manpreet Singh**, Transfer Application No.263 of 2009, decided on 25.11.2009, by a Co-ordinate Bench of this Court held that in terms of Section 21-A of the Hindu Marriage Act, all proceedings under the Hindu Marriage Act have to be tried by the same Court,

therefore, a petition under Section 13 of the Hindu Marriage Act filed by the respondent has to be tried by the same court which is seized of earlier proceedings under Section 9 of the Act.

Similar were the pronouncements by this Court in the matters of **Annu Arora vs. Rakesh Kumar**, Transfer Application No.648 of 2011, decided on 16.12.2011 and **Bupinder Kaur vs. Inderpreet Singh**, Transfer Application No.616 of 2011, decided on 09.05.2012 by a Co-ordinate Bench of this Court. In the matter of “**Leena Kalra @ Lovely vs. Parveen Kumar**”, Transfer application No.381 of 2014, decided by this Court on 30.03.2015, the same view was endorsed.

From the material available on record it transpires that the petitioner-wife along with her minor son is residing at Gurgaon and has no source of income. The petition under Section 125, Cr.P.C and complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005, have already been decided in her favour by the Courts at Gurgaon and execution petition of the awards passed in the said cases are pending, therefore, keeping in view the factual and legal aspects of the case, the petition titled as titled as “**Deepak Sandhu vs. Mrs.Deepti Verma**” pending before the learned District Judge,Ambala, is transferred to the Board of learned District Judge, Gurgaon, who shall either try the said case himself/herself or assign it to any other court of competent

jurisdiction within his/her Sessions Division for trial in accordance with law. Learned District Judge, Ambala, shall send the complete record of the above said case to the Court of learned District Judge, Gurgaon, as soon as the copy of this order is received.

The parties to the *lis* shall appear before learned District Judge, Gurgaon, on 24.08.2015 at 10:00 am for further proceedings.

Disposed of accordingly.

July 23, 2015
seema

(Naresh Kumar Sanghi)
Judge