

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.188 of 2014 (O&M)
Date of Decision: July 13, 2015

Shivani Sekhon

...Applicant

Versus

Rajwinder Singh Sekhon

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Narinder Sharma, Advocate
for the applicant.

Mr.Kulwinder Singh, Advocate
for the respondent.

INDERJIT SINGH, J.

Applicant Shivani Sekhon has filed this application under Section 24 CPC against Rajwinder Singh Sekhon for transfer of petition filed by the respondent under Section 9 of the Hindu Marriage Act, from the Court of Addl. Civil Judge (Senior Division) Sri Muktsar Sahib to the Court of competent jurisdiction at U.T. Chandigarh.

Notice of motion was issued and learned counsel for the respondent appeared and contested the application.

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

As per the averments in the application, the applicant was married with the respondent on 02.02.2005 and two male children

namely Himanshu and Harman were born. Both the children are now residing with the respondent. As per the application, matrimonial dispute arose between the parties and applicant filed petition under Section 13 of the Hindu Marriage Act, which is already pending at District Court, Chandigarh and respondent, to put pressure upon the applicant, filed petition under Section 9 of the Hindu Marriage Act at Sri Muktsar Sahib.

In view of the fact that already petition under Section 13 of the Hindu Marriage Act is pending at District Court, Chandigarh and the petition under Section 9 of the Hindu Marriage Act has been filed at Sri Muktsar Sahib, I find that both these petitions are required to be decided by one and the same Court to avoid conflicting orders and also it will be easy for the parties even to take one date in these proceedings. No inconvenience would be caused to the respondent as he is to contest the petition under Section 13 of the Hindu Marriage Act at Chandigarh and he can also pursue the petition under Section 9 of the Hindu Marriage Act there. If the present transfer application is not allowed, then the applicant is to face inconvenience by travelling from Chandigarh to Sri Muktsar Sahib.

At the time of arguments, learned counsel for the respondent argued that the applicant is not residing at U.T. Chandigarh and she is residing at Moga. These are the findings of fact for the purpose of determining the jurisdiction to be given by the competent Court. At this stage, the applicant's case is that she is residing in the area of U.T. Chandigarh.

Therefore, without going into the merits of these facts, I find merit in the present application and the same is allowed. The case filed by the respondent-husband under Section 9 of the Hindu Marriage Act is transferred to the Court of District Judge, Chandigarh from the Court of Addl. Civil Judge (Senior Division) Sri Muktsar Sahib. The parties are directed to appear before learned District Judge, Chandigarh on 29.07.2015, who may keep the case with him/her or entrust the same to some other competent Court for disposal in accordance with law. Learned Addl. Civil Judge (Senior Division) Sri Muktsar Sahib is directed to send the file to learned District Judge, Chandigarh, well before the date fixed.

July 13, 2015
Vgulati

(INDERJIT SINGH)
JUDGE