

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

Transfer Application No.207 of 2014

Date of Decision: April 21, 2015

Pooja Rani

...Petitioner

Versus

Pankaj

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Sajiv Patyal, Advocate,
for the petitioner.

Mr.Rahul Deswal, Advocate,
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)

The present petition has been filed under Section 24 of the Civil Procedure Code for transfer of petition titled as **Pankaj vs Pooja Rani** filed under Section 13 of the Hindu Marriage Act, 1955 pending adjudication before learned District Judge, Ambala, to the court of competent jurisdiction at Panchkula.

Learned counsel for the petitioner contends that the petitioner-wife had filed two cases which are pending adjudication before the courts at Chandigarh; the petitioner is a woman and has to maintain a minor child and that she has no

sources to visit to Ambala to attend the court case filed by the respondent/husband.

During the course of arguments, learned counsel for the respondent specifically stated at bar that he has no objection if the above stated case pending adjudication before learned District Judge, Ambala, is transferred to the court of competent jurisdiction at Chandigarh.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

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.

Keeping in view the factual and legal aspects of the case and in view of the arguments raised by learned counsel for the petitioner as well as no objection from learned counsel for the respondent, the present petition is allowed. The case titled as **Pankaj vs Pooja Rani** filed under Section 13 of the Hindu Marriage Act, 1955 pending adjudication before learned District Judge, Ambala, is transferred to the court of learned District Judge, Chandigarh, who may try the case himself or assign it to any other court of competent jurisdiction for trial in accordance with law. Learned District Judge, Amabla, is directed to send the entire record of the said case to the court of learned District Judge, Chandigarh.

The parties to the lis shall appear before the learned District Judge, Chandigarh, on 29.05.2015.

April 21, 2015
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(Naresh Kumar Sanghi)
Judge