

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

**Transfer Application No.237 of 2014  
Date of Decision: May 01, 2015**

Vandana Sehgal

...Petitioner

Versus

Deepak Sehgal

...Respondent

**CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI**

Present: Mr.Naveen Batra, 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)

Despite service, none has proposed to appear on  
behalf of the respondent.

The present petition has been filed under Section 24  
of the Code of Civil Procedure for transfer of petition tilted as  
**“Deepak Sehgal vs. Vandana Sehgal”** filed under Section 9 of  
the Hindu Marriage Act, pending adjudication before learned  
District Judge, Ludhiana to the Court of competent jurisdiction at  
Hoshiarpur.

Learned counsel for the petitioner/wife contends that  
the petitioner-wife had filed the following cases against the  
respondent-husband at Hoshiarpur:-

- (i) A petition under Section 125, Cr.P.C., tilted as **“Vandana Sehgal vs. Deepak Sehgal”** which is pending adjudication before learned Judicial Magistrate Ist Class, Hoshiarpur; and
- (ii) the proceedings arising out of the Protection of Women from Domestic Violence Act, 2005.

Learned counsel has pointed out that a petition under Section 9 of the Hindu Marriage Act has been filed by the respondent/ husband in retaliation to the cases filed by the petitioner/wife at Ludhiana. He further pointed out that the petitioner/wife has no means to go to Ludhiana on each and every date of hearing to defend her case and that she has a minor son and there is no other adult member to accompany her to Ludhiana from Hoshiarpur.

In spite of service, no one has proposed to appear on behalf of the respondent.

I have heard the learned counsel for the petitioner and with his 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, the petition titled as "***Deepak Sehgal vs. Vandan Sehgal***" pending before the learned District Judge Ludhiana, is transferred to the Board of learned District Judge, Hoshiarpur who shall either try the said case himself/herself or assign to any other court of competent jurisdiction within his Session Division to try the said case in accordance with law. Learned

District Judge, Ludhiana, shall send the complete record of the above said case to the court of learned District Judge, Hoshiarpur, as soon as the copy of this order is received.

Disposed of accordingly.

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

**May 01, 2015**  
seema

**(Naresh Kumar Sanghi)**  
**Judge**