

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 575 of 2013

Date of Decision: February 10, 2016

Sonia

... Applicant

Versus

Karmbir

... Respondent

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. Arvind Kumar Yadav, Advocate,
for Mr. H.S. Sandhu, Advocate,
for the applicant.

None for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application has been filed under Section 24 of the Code of Civil Procedure for transfer of petition under Section 13 of the Hindu Marriage Act (hereinafter referred to as the “Act”) and petition under Section 6 of the Hindu Minority and Guardianship Act filed by the respondent titled as “Karmvir vs. Sonia”, pending in the Court of learned Civil Judge (Senior Division), Jhajjar to the court of competent jurisdiction at Karnal.

Learned counsel for the applicant confines his prayer with regard to transfer of petition under Section 13 of the Act and does not press the prayer for transfer of petition under Section 6 of the Hindu Minority and Guardianship Act, filed by the respondent, pending in the Court of learned Civil Judge (Senior Division), Jhajjar.

Dismissed as not pressed qua transfer of petition under Section 6 of the Hindu Minority and Guardianship Act, filed by the respondent.

However, applicant will be at liberty to file a sperate application for transfer of the said case.

I have heard learned counsel for the applicant and perused the record.

Learned counsel for the applicant contends that respondent-husband filed a petition under Section 13 of the Act for dissolution of marriage, which is pending before the learned Civil Judge (Senior Division), Jhajjar. The applicant has no source of income. Learned counsel further contends that the applicant is residing at her parental house situated in District Karnal and it is not convenient for her to travel from Karnal to Jhajjar to defend proceedings instituted by the husband. Learned counsel further contends that applicant has already filed petition under Section 125 Cr.P.C. against the respondent which is pending before the learned Chief Judicial Magistrate, Karnal. Learned counsel for the applicant relied upon a judgment of Hon'ble Supreme Court in **Deepti Bhandari vs. Nitin Bhandari and another, 2012 (1) R.C.R. (Civil) 506** and contended that it would be easier for the respondent-husband to attend the proceedings in Karnal than for the applicant to attend the same in Jhajjar. Therefore, petition under Section 13 of the Act may be transferred to Karnal.

Despite service, none has appeared on behalf of the respondent to oppose this petition.

Considering the facts that the applicant is resourceless and the convenience of the wife is to be seen, therefore, in my opinion, present application deserves to be allowed.

In view of the submissions made by learned counsel for the applicant, the circumstances mentioned in the application, pendency of

other proceedings between the parties at Karnal and keeping in view the decision of Hon'ble Supreme Court in **Deepti Bhandari (supra)**, this Court is of the view that it would be in the interest of the respondent as well that all proceedings are tried at one place as he will not be required to appear at different places on different dates. Accordingly, petition under Section 13 of the Act filed by the respondent titled "Karmvir vs. Sonia", pending in the Court of learned Civil Judge (Senior Division), Jhajjar is withdrawn and ordered to be transferred to learned District Judge, Karnal, who may assign the same to the Court of competent jurisdiction there. Learned Civil Judge (Senior Division), Jhajjar shall ensure that entire record of the case is sent to learned District Judge, Karnal.

Parties are directed to appear before the Court of learned District Judge, Karnal on 29.02.2016. Since none appeared on behalf of the respondent, learned Civil Judge (Senior Division), Jhajjar is directed to inform the counsel for the respondent – Karmbir about the date of appearance before the learned District Judge, Karnal. Parties will be at liberty to make a request to the concerned courts for fixing both the cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in both the cases.

Disposed of.

February 10, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge