

TA No.756 of 2013

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

TA No.756 of 2013 (O&M)
Date of decision: 03.02.2016

Punita

....Applicant

Versus

Ravi @ Shamsher Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the 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 ?

Present: - Mr. R.N. Singal, Advocate, for the applicant.
Mr. Lalit Singla, Advocate, for the respondent.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant petition under Sections 22/24 of the Code of Civil Procedure has been filed seeking transfer of petition under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by respondent-husband from the Court at Jind to the Court of competent jurisdiction at Hisar.

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

Learned counsel for the applicant contended that respondent has filed a petition under Section 13 of the Act, which is pending in the Court of learned Additional District Judge, Jind. Now applicant is residing with her minor daughter at Hansi. Learned counsel for the

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applicant further submitted that applicant is not feeling well and mediation proceedings have also failed. It is further contended that other proceedings are also pending against the husband at Hisar. Learned counsel for the applicant relied upon the judgment of Hon'ble Supreme Court in ***Deepti Bhandari v. 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 Hisar than for the applicant to attend the same in Jind. Therefore, the case under Section 13 of the Act may be transferred to Hisar.

On the other hand, learned counsel for the respondent contended that no ground for transfer of the petition under Section 13 filed by respondent from Jind to Hisar is made out as Jind and Hisar are at equal distance for the applicant.

I have considered the contentions raised by learned counsel for the parties.

In view of the submissions made by learned counsel for the applicant, for the circumstances mentioned in the petition and keeping in view the decision of the Hon'ble Supreme Court in ***Deepti Bhandari*** (supra), application is allowed. Petition under Section 13 of the Act pending in the Court of learned Additional District Judge, Jind, is ordered to be transferred to learned District Judge, Hisar, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Jind, shall ensure that entire record of the case is sent to

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learned District Judge, Hisar. The parties are directed to appear before the learned District Judge, Hisar on 23.02.2016.

Disposed of.

(Paramjeet Singh Dhaliwal)
Judge

February 03, 2016
R.S.