

TA No.21 of 2016

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

TA No.21 of 2016

Date of decision: 18.02.2016

Itika Rani

....Applicant

Versus

Vikram Gupta

....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. K.S. Brar, Advocate, for the applicant.
Mr. P.K.S. Phoolka, Advocate, for the respondent.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Written statement on behalf of respondent, filed in Court today, is taken on record.

Instant petition under Section 24 read with Section 151 of the Code of Civil Procedure has been filed seeking transfer of petition under Section 9 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by respondent-husband from the Court at Bathinda to the Court of competent jurisdiction at Moga.

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 9 of the Act, which is pending in the Court of learned Civil Judge (Senior Division), Bathinda. Now

TA No.21 of 2016

applicant is residing with her minor child at Moga. It is further contended that between the parties, applications under Section 125 Cr.P.C. and Section 12 of the Protection of Women from Domestic Violence Act are pending at Moga. 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 Moga than for the applicant to attend the same in Bathinda. Therefore, the case under Section 9 of the Act may be transferred to Fatehgarh Sahib.

Per contra, learned counsel for the respondent contends that proceedings in petition under Section 9 of the Act are civil in nature and presence of the applicant is not required in the petition under Section 9 of the Act on each and every date.

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

In view of the submissions made by learned counsel for the applicant, the circumstances mentioned in the petition, keeping in view the decision of the Hon'ble Supreme Court in ***Deepti Bhandari v. Nitin Bhandari and another***, 2012(1)R.C.R.(Civil) 506 and having regard to the nature of the dispute involved in both the cases, it is highly expedient that the cases are heard by the same Court. It will not only be convenient for the applicant but also be in the interest of the respondent as well that all proceedings are tried at one place as he will not be

TA No.21 of 2016

required to appear at different places on different dates. Accordingly, petition under Section 9 of the Act pending in the Court of learned Civil Judge (Senior Division), Bathinda, is ordered to be withdrawn and transferred to learned District Judge, Moga, who may assign the same to the court of competent jurisdiction there. Learned District Judge, Bathinda shall ensure that entire record of the case is sent to learned District Judge, Moga. The parties are directed to appear before learned District Judge, Moga on 4.03.2016.

Disposed of.

(Paramjeet Singh Dhaliwal)
Judge

February 18, 2016
R.S.