

TA-26-2016

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

TA-26-2016 (O & M)

Date of Decision: 10.02.2016

Leena

... Applicant (s)

Versus

Jatin Kumar

... Respondent(s)

**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: Dr. Parveen Hans, Advocate for
the petitioner along with petitioner in person.

None for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition titled as 'Jatin Kumar vs. Smt. Leena', under Section 13 of the Hindu Marriage Act, 1955 filed by the respondent-husband for dissolution of marriage, from Sonapat to Hisar.

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

Learned counsel for the applicant contends that respondent has filed a petition under Section 13 of the Act for dissolution of

TA-26-2016

marriage between the parties and the same is pending in the Court of learned District Judge, Family Court, Sonapat, a far away place from Hisar where the applicant is residing with her parents. It is further contended that application under Section 12 read with Sections 17 and 23 of the Protection of Women from Domestic Violence Act, 2005 and petition under Section 125 Cr.P.C. are pending against the respondent at Hisar. Learned counsel for the applicant relies upon the judgment of Hon'ble Supreme Court in ***Deepti Bhandari v. Nitin Bhandari and another***, 2012(1)R.C.R.(Civil) 506 and contends that it would be easier for the respondent-husband to attend the proceedings in Hisar than for the applicant to attend the same in Sonapat. Therefore, the case under Section 13 of the Act may be transferred to Hisar.

Despite service, Neither the respondent nor his counsel has appeared to oppose this application.

In view of the submissions made by learned counsel for the applicant, for the circumstances mentioned in the application, pendency of other proceedings between the parties at Hisar and keeping in view the decision of the 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 difference places on different dates. Accordingly, application is allowed. Petition under Section 13 of the Act pending in the Court of learned District Judge, Family Court, Sonapat is ordered to be withdrawn and transferred to learned District Judge, Hisar, who may

TA-26-2016

assign the same to the court of competent jurisdiction there. Learned District Judge, Family Court, Sonapat shall ensure that entire record of the case is sent to learned District Judge, Hisar. Concerned Court shall inform the counsel for the respondent regarding transfer of the case. The parties are directed to appear before learned District Judge, Hisar on 29.02.2016.

Disposed of.

10.02.2016

parveen kumar

(Paramjeet Singh Dhaliwal)
Judge