

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 30 of 2016 (O&M)
Date of Decision: February 23, 2016

Nisha

... Applicant

Versus

Ankur Verma

... Respondent

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

Present: Mr. Sandeep Goyal, Advocate,
for the applicant.

Mr. R.K. Guggal, Advocate,
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 9 of the Hindu Marriage Act (hereinafter referred to as the “Act”), filed by the respondent, titled as “Ankur Verma vs. Smt. Nisha” pending in the Court of learned District Judge, Yamuna Nagar at Jagadhri to the court of competent jurisdiction at Karnal.

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

Learned counsel for the applicant contends that respondent-husband filed a petition under Section 9 of the Act for restitution of conjugal rights, which is pending before the learned District Judge,

Yamuna Nagar at Jagadhri, a far away place from Karnal where the applicant is residing with her parents. The applicant has no source of income. Petition under Section 125 Cr.P.C., filed by the applicant, is pending against the respondent at 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 Jagadhri. Therefore, petition under Section 9 of the Act may be transferred to Karnal.

Per contra, learned counsel for the respondent vehemently opposes the contentions raised by learned counsel for the applicant.

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 9 of the Act filed by the respondent titled "Ankur Verma vs. Smt. Nisha", pending in the Court of learned District Judge, Yamuna Nagar at Jagadhri is withdrawn and ordered to be transferred to learned District Judge, Karnal, who may assign the same to the Court of competent jurisdiction there.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 District Judge, Yamuna Nagar 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 14.03.2016. Parties will be at liberty to make a request to the concerned courts for fixing both the afore-mentioned cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in both the aforementioned cases.

Disposed of.

February 23, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge