

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

**Transfer Application No.331 of 2016(O&M)
Date of Decision: December 05, 2016**

Sabina Chopra

...Petitioner

Versus

Rahul Sahni

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Vinay Pandey, Advocate,
for the petitioner.

RAMESHWAR SINGH MALIK, J.(Oral)

Petitioner seeks transfer of the petition, filed under Section 9
of the Hindu Marriage Act, titled as ***Rahul Sahni vs. Sabina Chopra***,
pending between the parties from Gurgaon to Gurdaspur.

Notice of motion was issued, vide order dated 02.05.2016 and
in the meantime, further proceedings before the learned trial Court were
stayed.

Service was complete on the last date of hearing, i.e.
26.10.2016. However, when nobody put in appearance on behalf of the
respondent, case was adjourned for today, granting another opportunity
to the respondent to oppose the instant transfer application. Similar, is
the position today. Nobody has come present on behalf of the respondent

to oppose the present transfer application.

Heard learned counsel for the petitioner.

Petition under Section 9 of the Hindu Marriage Act has been filed by the respondent-husband against the petitioner-wife at Gurgaon. Petitioner is staying with her parents at Gurdaspur. Distance between Gurdaspur and Gurgaon is about 500 km. Petitioner is not in service because of which it would be very much difficult for her to pursue the litigation while going from Gurdaspur to Gurgaon. In such a situation, if the proceeding initiated by the respondent-husband under Section 9 of the Hindu Marriage Act at Gurgaon, is not transferred to Gurdaspur, it would amount to denial of justice to the petitioner.

Having heard learned counsel for the petitioner and keeping in view the abovesaid peculiar facts and circumstances of the case, and also with a view to give equal opportunity to the petitioner to defend her in the abovesaid litigation imposed on her at the instance of the respondent-husband, it is just and expedient to transfer the petition under Section 9 of the Hindu Marriage Act from Gurgaon to Gurdaspur.

Ordered accordingly.

Consequently, learned District Judge, Gurgaon, is directed to

transfer complete record of the petition under Section 9 of the Hindu Marriage Act (*Rahul Sahni vs. Sabina Chopra*), filed by the respondent-husband to the learned District Judge, Gurdaspur, at an early date and in any case within a period of one month from the date of receipt of a certified copy of this order.

After having received the record from learned District Judge, Gurgaon, learned District Judge, Gurdaspur, shall either decide the case himself or assign it to another Court of competent jurisdiction within the Session Division of Gurdaspur, for its early decision, in accordance with law.

With the above-said observations made and directions issued, present transfer application is allowed, however, with no order as to costs.

December 05, 2016
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No