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

TA-4-2016 (O & M)

Date of Decision: 27.01.2016

Surbhi

... Applicant (s)

Versus

Rinku Singh

... 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: Mr. Namit Khurana, Advocate,
for the applicant.

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 'Rinku Singh vs. Surbhi' under Section 9 of the Hindu Marriage Act, 1955 (for short, 'the Act') filed by the respondent-husband for restitution of conjugal rights, from Kaithal to Yamuna Nagar.

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

Learned counsel for the applicant contended that respondent has filed a petition under Section 9 of the Act for restitution of conjugal

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rights which is pending in the Court of learned Civil Judge (Sr. Divn.), Kaithal. The applicant is residing with her old parents and minor child at Yamuna Nagar, which is far away from Kaithal. It is further contended that petition under Section 125 Cr.P.C. and application under Section 12 of the Protection of Women from Domestic Violence Act, 2005, against the respondent-husband are pending at Yamuna Nagar. 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 Yamuna Nagar than for the applicant to attend the same in Kaithal. Therefore, the case under Section 9 of the Act may be transferred to Yamuna Nagar.

Despite service, none has appeared on behalf of the respondent to oppose this petition.

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), petition is allowed. Petition under Section 9 of the Act pending in the Court of learned Civil Judge (Sr. Divn.), Kaithal is ordered to be transferred to learned District Judge, Yamuna Nagar, who may assign the same to the Court of competent jurisdiction there. Learned Civil Judge (Sr. Divn.), Kaithal, shall ensure that entire record of the case is sent to learned District Judge, Yamuna Nagar. Concerned Court shall inform the counsel for the respondent regarding transfer of the case. Parties are

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directed to appear before the learned District Judge, Yamuna Nagar on
17.02.2016.

Disposed of.

27.01.2016

parveen kumar

(Paramjeet Singh Dhaliwal)
Judge