

TA No.49 of 2016

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

TA No.49 of 2016

Date of decision: 24.02.2016

Anuradha

....Applicant

Versus

Vijay Kumar

....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. Manoj Kaushik, Advocate, for the applicant.
None for the respondent.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant application under Section 24 read with Section 151 of the Code of Civil Procedure has been filed seeking transfer of petition under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by respondent-husband from the Court at Jhajjar to the Court of competent jurisdiction at Gurgaon.

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 13 of the Act, which is pending in the Court of learned Additional District Judge, Jhajjar. Now applicant along with her two minor daughters is residing with her father at Gurgaon. It is further contended that between the parties, an appeal arising from FIR

TA No.49 of 2016

No.172 dated 24.06.2013 registered under Sections 498-A, 406 IPC at Police Station Rajendra Park, is pending before the learned Additional Sessions Judge, Gurgaon. 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 at Gurgaon than for the applicant to attend the same at Jhajjar. Therefore, the case under Section 13 of the Act may be transferred to Gurgaon.

Despite service, nobody has put in appearance on behalf of the respondent.

I have considered 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 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 required to appear at different places on different dates. Accordingly, petition under Section 13 of the Act pending in the Court of learned Additional District Judge, Jhajjar, is ordered to be withdrawn and transferred to learned District Judge, Gurgaon, who may assign the same

TA No.49 of 2016

to the court of competent jurisdiction there. Learned District Judge, Jhajjar shall ensure that entire record of the case is sent to learned District Judge, Gurgaon. Concerned Court at Jhajjar shall inform the respondent regarding transfer of the case to Gurgaon. The parties are directed to appear before learned District Judge, Gurgaon on 15.03.2016.

Disposed of.

(Paramjeet Singh Dhaliwal)
Judge

February 24, 2016
R.S.