

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 58 of 2016

Date of Decision: February 08, 2016

Suman @Sanjana

... Applicant

Versus

Manoj Kumar

... Respondent

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

Present: Mr. Shiv Kumar, Advocate,
for the applicant.

Mr. S.K. Tripathi, 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 filed under Section 13 of the Hindu Marriage Act titled as “Manoj Kumar Vs. Suman @ Sanjana”, pending in the Court of learned District Judge, Family Court, Gurgaon to the Court of competent jurisdiction at Faridabad.

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 13 of the Hindu Marriage Act for grant of decree of divorce. The applicant is residing at her parental house situated in Ballabgarh, District Faridabad. The petition under Section 125 Cr.P.C. and petition under Sections 12, 18, 19, 20, 22 & 23 of the Protection of Women from Domestic Violence Act, 2005 filed by the applicant, are pending against the respondent in the District Court, Faridabad. 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 Faridabad than for the petitioner to attend the same in Gurgaon. Therefore, the petition under Section 13 of the Hindu Marriage Act may be transferred to Faridabad.

Per contra, learned counsel for the respondent vehemently opposes the contentions raised by learned counsel for the applicant and contends that the applicant is not required to appear on every date in the Court at Gurgaon.

In view of the submissions made by learned counsel for the applicant and keeping in view the decision of Hon'ble Supreme Court in **Deepti Bhandari (supra)**, instant transfer application is allowed. Petition filed by the respondent titled "Manoj Kumar vs. Suman @ Sanjana", pending in the Court of learned District Judge, Gurgaon, is withdrawn and ordered to be transferred to the court of competent jurisdiction at Faridabad. Learned District Judge, Gurgaon shall ensure that entire record of the case is sent to learned District Judge, Faridabad. The parties through their counsel are directed to appear before the learned District Judge, Faridabad on 25.02.2016. Parties will be at liberty to make a request to the concern courts for fixing all the three cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in all the cases.

January 08, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge