

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

TA-586-2016 (O & M)

Date of decision: 16.12.2016

Jasdev Singh

....Applicant

V/s

Dipti Mahendru

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vaibhav Narang, Advocate, for the applicant.

Mr. Vivek Salathia, Advocate, for the respondent.

Rajan Gupta, J. (Oral)

This is a petition under Section 24 of the Code of Civil Procedure seeking transfer of proceedings initiated by the applicant himself seeking divorce from his own wife from Amritsar to any other district in the State of Punjab.

Primarily, transfer is sought on the ground that the respondent is a practising Advocate at Amritsar. For this reason, it is not possible for the petitioner to pursue the case as when the petitioner appears before the court, piquant situation is created.

Prayer has been opposed by learned counsel for the respondent. He submits that averments made in the petition are misleading. Applicant is being represented by a counsel of considerable standing. Similar petition moved by the applicant for transfer of other proceedings has been dismissed by this court.

I have heard learned counsel for the parties and careful thought to the facts of the case.

It is evident that the applicant himself chose the Forum for filing a petition under Section 13 of the Act for seeking divorce from his wife. He was always aware of the fact that the respondent is an Advocate. Trial of the case has made some headway. It is fixed for recording of evidence of the applicant. A litigant cannot seek transfer of proceedings as a matter of right . Normally, such proceedings could continue before the court where same have been instituted unless some exigency is shown which require invocation of power under Section 24 of the Code of Civil Procedure. In the instant case, no such ground is made out. Petition is without any merit and is hereby dismissed.

December 16, 2016
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No