

TA No. 9 of 2016(O&M)

1

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

TA No. 9 of 2016(O&M)

Date of decision: 03.02.2016

Rajani

....Applicant

Versus

Naresh

....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. Sushil Jain, Advocate, for the applicant.
None for the respondent.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant petition under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition under Section 13 of the Hindu Marriage Act (for short 'the Act') titled '**Naresh Vs. Smt. Rajni**', filed by respondent-husband from the Court at Faridabad to the Court of competent jurisdiction at Sonipat.

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 District Judge/Family Court, Faridabad. Now applicant

is residing with her minor daughter at Sonipat. At the time of motion hearing on 08.01.2016, it was the contention of learned counsel for the applicant that on 04.01.2016, when the applicant along with her father was coming from Faridabad after attending the Court proceedings at Faridabad, respondent along with 3-4 persons extended threats to the applicant and tried to kidnap the applicant. Counsel further contends that a criminal case bearing FIR No. 26, under Sections 498-A, 406, 506, 34 IPC and petition under Section 125 Cr.P.C. against the respondent-husband are pending at Sonipat. 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 there is apprehension of the applicant for kidnapping at the hands of the respondent. Therefore, it would be easier for the respondent-husband to attend the proceedings in Sonipat than for the applicant to attend the same in Faridabad. Therefore, the case under Section 13 of the Act may be transferred to Sonipat.

Despite service, none has appeared 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, for the circumstances mentioned in the petition and keeping in view the decision of the Hon'ble Supreme Court in **Deepti Bhandari**

(supra), application is allowed. Petition under Section 13 of the Act pending in the Court of learned District Judge/Family Court, Faridabad is ordered to be transferred to learned District Judge, Sonipat, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Faridabad, shall ensure that entire record of the case is sent to learned District Judge, Sonipat. The parties are directed to appear before the learned District Judge, Sonipat on 23.02.2016.

Disposed of.

(Paramjeet Singh Dhaliwal)
Judge

February 03, 2016
kanchan