

In the High Court of Punjab and Haryana at Chandigarh

**T.A. No. 238 of 2015
Date of Decision: March 03, 2016**

Preeti Rani

... Applicant

Versus

Gaurav Sachdeva

... Respondent

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

Present: Mr. Sandeep Punchhi, Advocate,
for the applicant.

Mr. Achin Gupta, Advocate,
for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application has been filed under Section 24 of the Code of Civil Procedure, 1908 for transfer of petition, under Section 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as the “Act”), filed by the respondent titled as “Gaurav Sachdeva vs. Preeti Rani”, pending in the Court of learned Civil Judge (Senior Division), Faridkot to the court of competent jurisdiction at Sirsa.

Learned counsel for the applicant contends that respondent-husband filed a petition under Section 9 of the Act for restitution of conjugal rights, which is pending before the learned Civil Judge (Senior Division), Faridkot. The applicant has no source of income. Learned counsel further contends that the applicant is residing at her parental house situated in District Sirsa and it is not convenient for her to travel from Sirsa

to Faridkot to defend proceedings instituted by her husband. Petition under Section 125 of the Code of Criminal Procedure, 1973 and application under the provisions of Protection of Women from Domestic Violence Act, 2005, filed by the applicant, are pending against the respondent at Sirsa. 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 Sirsa, than for the applicant to attend the same in Faridkot. Therefore, petition under Section 9 of the Act may be transferred to Sirsa.

Per contra, learned counsel for the respondent vehemently opposes the contentions raised by learned counsel for the applicant.

In view of the submissions made by the learned counsel for the applicant, the circumstances mentioned in the application, the pendency of other proceedings between the parties at Sirsa and keeping in view the decision of Hon'ble Supreme Court in **Deepti Bhandari (supra)**, this Court is of the view that it would be in the interest of the respondent as well that all the proceedings are to be tried at one place as he will also not be required to appear at different places on different dates. Accordingly, petition under Section 9 of the Act filed by the respondent titled "Gaurav Sachdeva vs. Preeti Rani", pending in the Court of learned Civil Judge (Senior Division), Faridkot is withdrawn and ordered to be transferred to learned District Judge, Sirsa, who may assign the same to the Court of competent jurisdiction there. Learned Civil Judge (Senior Division), Faridkot shall ensure that entire record of the case is sent to the learned District Judge, Sirsa.

Parties are directed to appear before the Court of learned District Judge, Sirsa on 22.03.2016. Parties will be at liberty to make a request to the concerned courts for fixing all the afore-mentioned cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in all the aforementioned cases.

Disposed of.

March 03, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge