

**In the High Court of Punjab and Haryana at Chandigarh**

**T.A. No. 284 of 2015 (O&M)**  
**Date of Decision: February 15, 2016**

*Himani*

*... Applicant*

*Versus*

*Rishi Kaushal*

*... Respondent*

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

Present: Mr. Anil Chaudhary, Advocate,  
for the applicant.

Mr. Vikram Bali, Advocate,  
for the respondent.

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**Paramjeet Singh Dhaliwal, J. (Oral)**

**CM-1325-CII-2016**

Civil Misc. application is allowed subject to all just exceptions.

Reply on behalf of the respondent is taken on record.

**TA No. 284 of 2015**

Instant application has been filed under Section 24 of the Code of Civil Procedure for transfer of petition under Sections 12 and 13 of the Hindu Marriage Act (hereinafter referred to as the “Act”) filed by the respondent titled as “Rishi Kaushal vs. Himani”, pending in the Court of learned Additional District Judge, Chandigarh to the court of competent jurisdiction at Sangrur.

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 Sections 12 and 13 of the Act for dissolution of marriage, which is pending before the learned Additional District Judge, Chandigarh. Learned counsel further contends that the applicant is residing at her parental house situated in District Sangrur and it is not convenient for her to travel from Sangrur to Chandigarh to defend proceedings instituted by the husband. Petition under Section 125 of the Code of Criminal Procedure filed by the applicant is pending at Sangrur. 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 Sangrur than for the applicant to attend the same in Chandigarh. Therefore, petition under Sections 12 and 13 of the Act may be transferred to Sangrur.

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 learned counsel for the applicant, the circumstances mentioned in the application, pendency of other proceedings between the parties at Sangrur 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 proceedings are tried at one place as he will not be required to appear at different places on different dates. Accordingly, petition under Sections 12 and 13 of the Act filed by the respondent titled "Rishi Kaushal vs. Himani", pending in the Court of learned Addl. District Judge, Chandigarh is

withdrawn and ordered to be transferred to learned District Judge, Sangrur, who may assign the same to the Court of competent jurisdiction there. Learned Addl. District Judge, Chandigarh, shall ensure that entire record of the case is sent to learned District Judge, Sangrur.

Parties through their counsel are directed to appear before the Court of learned District Judge, Sangrur on 03.03.2016. Parties will be at liberty to make a request to the concerned courts for fixing both the cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in both the cases.

Disposed of.

**February 15, 2016**  
vkd

**[Paramjeet Singh Dhaliwal]**  
**Judge**