

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 377 of 2015

Date of Decision: February 11, 2016

Gurpreet Kaur

... Applicant

Versus

Harjinder Singh

... Respondent

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

Present: Ms. Ravinder Kaur Manaise, Advocate,
for the applicant.

Mr. Udey Chauhan, 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 bearing HMA No. 140/2015, under Section 9 of the Hindu Marriage Act (hereinafter referred to as the “Act”) filed by the respondent titled as “Harjinder Singh vs. Gurpreet Kaur”, pending in the Court of learned Additional Civil Judge (Senior Division), Amritsar to the court of competent jurisdiction at Moga.

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 9 of the Act for restitution of conjugal rights, which is pending before the learned Additional Civil Judge (Senior Division), Amritsar. Learned counsel further contends that the

applicant is residing at her parental house situated in Moga and it is not convenient for her to travel from Moga to Amritsar to defend proceedings instituted by the husband. Petition under Section 125 of the Cr.P.C. filed by the applicant is pending before the learned Family Court, Moga. 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 Moga than for the applicant to attend the same in Amritsar. Therefore, petition under Section 9 of the Act may be transferred to Moga.

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 and keeping in view the decision of Hon'ble Supreme Court in **Deepti Bhandari (supra)**, transfer application is allowed. Petition under Section 9 of the Act filed by the respondent titled "Harjinder Singh vs. Gurpreet Kaur", pending in the Court of learned Additional Civil Judge (Senior Division), Amritsar is withdrawn and ordered to be transferred to learned District Judge, Moga, who may assign the same to the Court of competent jurisdiction there. Learned Additional Civil Judge (Senior Division), Amritsar, shall ensure that entire record of the case is sent to learned District Judge, Moga.

Parties through their counsel are directed to appear before the Court of learned District Judge, Moga on 01.03.2016. 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 11, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge