

TA No. 383 of 2015(O&M)

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No. 383 of 2015(O&M)
Date of decision: 17.02.2016

Sarika Garg

....Applicant

Versus

Vikas Gupta

....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. Saurabh Sharma, Advocate for the applicant.

Mr. Anuj Balian, Advocate 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 '**Vikas Gupta Vs. Sarika Garg**', filed by respondent-husband from the Court at Ambala to the Court of competent jurisdiction at Kurukshetra.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the applicant contended that respondent has filed petition under Section 13 of the Act, which is pending in the Court of learned District Judge/Family Court, Ambala. Now applicant along with her minor daughter is residing with her parents at

Kurukshetra. It is further contended that a petition under Section 125 Cr.P.C. and a criminal case bearing FIR No. 510 dated 31.12.2014, under Sections 498-A, 406, 506 IPC against the respondent-husband are pending at Kurukshetra. 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 the applicant has minor daughter of 2 years of age, who is suffering from various diseases since birth and has no source of income. It would be easier for the respondent-husband as well to attend the proceedings in Kurukshetra than for the applicant to attend the same in Ambala. Therefore, the petition under Section 13 of the Act may be transferred to Kurukshetra.

Per contra, learned counsel for the respondent vehemently opposes the contentions of learned counsel for the applicant and contended that presence of the applicant is not required on every date in the aforementioned suit pending in Ambala.

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 Kurukshetra and keeping in view the decision of the 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 Section 13 of the Act pending in the Court of

learned District Judge/Family Court, Ambala is withdrawn and ordered to be transferred to learned District Judge, Kurukshetra, who may assign the same to the Court of competent jurisdiction there. Learned District Judge/Family Court, Ambala, shall ensure that entire record of the case is sent to learned District Judge, Kurukshetra. The parties are directed to appear before the learned District Judge, Kurukshetra on 04.03.2016.

Disposed of.

February 17, 2016
kanchan

(Paramjeet Singh Dhaliwal)
Judge