

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 387 of 2015

Date of Decision: February 11, 2016

Sanju Rani

... Applicant

Versus

Anil Kumar Rathi

... Respondent

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

Present: Ms. Swati Batra, Advocate,
for Mr. Dinesh Arora, Advocate,
for the applicant.

Mr. M.S. Kathuria, 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 under Section 13(1)(1-a) & (1-b) of the Hindu Marriage Act (hereinafter referred to as the “Act”) filed by the respondent titled as “Anil Kumar Rathee vs. Sanju Rani”, pending in the Court of learned District Judge, Rohtak to the court of competent jurisdiction at Jhajjar.

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 13(1)(1-a) & (1-b) of the Act for dissolution of marriage, which is pending before the learned District Judge,

Rohtak. Learned counsel further contends that the applicant is residing at her parental house situated in District Jhajjar. She has no source of income and it is not convenient for her to travel from Jhajjar to Rohtak to defend proceedings instituted by the husband. Petition under Section 125 of the Cr.P.C. and application under Section 12 of the Protection of Women from Domestic Violence Act, filed by the applicant, are pending against the respondent in District Courts, Jhajjar. 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 Jhajjar than for the applicant to attend the same in Rohtak. Therefore, petition under Section 13(1)(1-a) & (1-b) of the Act may be transferred to Jhajjar.

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 13(1)(1-a) & (1-b) of the Act filed by the respondent titled "Anil Kumar Rathee vs. Sanju Rani", pending in the Court of learned District Judge, Rohtak, is withdrawn and ordered to be transferred to learned District Judge, Jhajjar, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Rohtak, shall ensure that entire record of the case is sent to learned District Judge, Jhajjar.

Parties through their counsel are directed to appear before the Court of learned District Judge, Jhajjar on 01.03.2016. Parties will be at

liberty to make a request to the concerned courts for fixing all the
aforementioned 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.

February 11, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge