

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 413 of 2015

Date of Decision: February 10, 2016

Navpreet Kaur

... Applicant

Versus

Vijender Singh

... Respondent

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

Present: Mr. Ram Kumar Saini, Advocate,
for the applicant.

Mr. R.S. Mamli, 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 of the Hindu Marriage Act (hereinafter referred to as the “Act”) filed by the respondent titled as “Vijender Singh vs. Navpreet Kaur”, pending in the Court of learned Additional District Judge, Kurukshetra to the court of competent jurisdiction at Ambala.

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 of the Act for dissolution of marriage, which is pending before the learned Additional District Judge, Kurukshetra. Learned counsel further contends that the applicant is residing at her parental house situated in District Ambala and it is not convenient for her to travel from Ambala to Kurukshetra to defend proceedings instituted

by the husband. Petition under Sections 12, 17, 18, 19, 20, 22 of the Protection of Women from Domestic Violence Act, 2005 and case FIR No. 39 dated 11.04.2015, under Sections 498-A, 406, 506, 34 of the Indian Penal Code and 66E, 67 of the IT Act, which are pending before the learned Judicial Magistrate Ist Class, Ambala. 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 Ambala than for the applicant to attend the same in Kurukshetra. Therefore, petition under Section 13 of the Act may be transferred to Ambala.

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 Ambala 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 Section 13 of the Act filed by the respondent titled "Vijender Singh vs. Navpreet Kaur", pending in the Court of learned Additional District Judge, Kurukshetra is withdrawn and ordered to be transferred to learned District Judge, Ambala, who may assign the same to the Court of competent jurisdiction there. Learned Additional District Judge, Kurukshetra, shall ensure that entire record of the case is sent to learned District Judge, Ambala.

Parties through their counsel are directed to appear before the Court of learned District Judge, Ambala on 29.02.2016. Parties will be at liberty to make a request to the concerned courts for fixing all the cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in all the cases.

Disposed of.

February 10, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge