

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

**T.A. No. 431 of 2015**

**Date of Decision: February 10, 2016**

*Yogita Bhatia*

*... Applicant*

*Versus*

*Sumit Bhatia*

*... Respondent*

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

Present: Mr. Neeraj Yadav, Advocate,  
for Mr. Akshay Kumar Jindal, Advocate,  
for the applicant.

Mr. Vibhav Prashar, Advocate,  
for the respondent.

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

Instant application has been filed under Section 24 read with Section 151 of the Code of Civil Procedure for transfer of petition bearing HMA/444/2015, under Section 9 of the Hindu Marriage Act (hereinafter referred to as the “Act”) filed by the respondent titled as “Sumit Bhatia vs. Yogita Bhatia”, pending in the Court of learned Family Court, Faridabad to the court of competent jurisdiction at Panipat.

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 Family Court,

Faridabad.. Learned counsel further contends that the applicant is residing at her parental house situated in District Panipat and it is not convenient for her to travel from Panipat to Faridabad to defend proceedings instituted by the husband. Petition under Section 13 of the Act filed by the applicant is pending before the learned District Judge, Panipat. 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 Panipat than for the applicant to attend the same in Faridabad. Therefore, petition under Section 9 of the Act may be transferred to Panipat.

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by the respondent titled "Sumit Bhatia vs. Yogita Bhatia", pending in the Court of learned Family Court, Faridabad is withdrawn and ordered to be transferred to learned District Judge, Panipat, who may assign the same to the Court of competent jurisdiction there. Learned Family Court, Faridabad, shall ensure that entire record of the case is sent to learned District Judge, Panipat.

Parties through their counsel are directed to appear before the Court of learned District Judge, Panipat on 29.02.2016. 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 10, 2016  
vkd

[Paramjeet Singh Dhaliwal]  
Judge