

TA No.440 of 2015

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

TA No.440 of 2015
Date of decision: 03.02.2016

Pawandeep Kaur

....Applicant

Versus

Virender Parkash

....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. Lajpat Sharma, Advocate, for
Mr. Amandeep Chhabra, Advocate, for the applicant.
Mr. A.S. Sullar, Advocate, and
Mr. Anil Kumar, Advocate, for the respondent.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant application under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by respondent-husband from the Court at Ambala to the Court of competent jurisdiction at Sri Muktsar Sahib.

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

Learned counsel for the applicant contended that respondent has filed a petition under Section 13 of the Act, which is pending in the Court of learned District Judge, Family Court, Ambala. Now applicant

TA No.440 of 2015

and her minor son are residing with her parents at Malout, District Sri Muktsar Sahib. It is further contended that petition under Section 125 Cr.P.C. is pending against the respondent at Malout. 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 it would be easier for the respondent-husband to attend the proceedings in Sri Muktsar Sahib than for the applicant to attend the same in Ambala. Therefore, the case under Section 13 of the Act may be transferred to Sri Muktsar Sahib.

Per contra, learned counsel for the respondent contends that proceedings in petition under Section 13 of the Act are civil in nature and presence of the applicant is not required in the petition under Section 13 of the Act on each and every date.

I have considered the contentions raised by learned counsel for the parties.

In view of the submissions made by learned counsel for the applicant, for the circumstances mentioned in the petition and keeping in view the decision of the Hon'ble Supreme Court in ***Deepti Bhandari*** (supra), application is allowed. Petition under Section 13 of the Act pending in the Court of learned District Judge, Family Court, Ambala, is ordered to be transferred to learned District Judge, Sri Muktsar Sahib, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Ambala, shall ensure that entire record of the

TA No.440 of 2015

case is sent to learned District Judge, Sri Muktsar Sahib. The parties are directed to appear before the learned District Judge, Sri Muktsar Sahib on 23.02.2016.

Disposed of.

(Paramjeet Singh Dhaliwal)
Judge

February 03, 2016
R.S.