

**TA-443-2015**

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

**TA-443-2015 (O & M)**

**Date of Decision: 27.01.2016**

Archana

... Applicant (s)

Versus

Jitender Kumar

... Respondent(s)

**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 Garg, Advocate,  
for the applicant.

None 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 titled as 'Jitender Kumar vs. Archana' under Section 9 of the Hindu Marriage Act, 1955 (for short, 'the Act') filed by the respondent-husband for restitution of conjugal rights, from Assandh, District Karnal to Kaithal.

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

Learned counsel for the applicant contended that respondent has filed a petition under Section 9 of the 1955 Act for restitution of

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conjugal rights which is pending in the Court of learned Additional Civil Judge (Sr. Divn.), Assandh. The applicant is residing with her old parents and minor daughter at Kaithal. It is further contended that petition under Section 125 Cr.P.C. against the respondent-husband is pending at Kaithal. 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 Kaithal than for the applicant to attend the same in Assandh. Therefore, the case under Section 9 of the Act may be transferred to Kaithal.

Despite service, none has appeared on behalf of the respondent to oppose this petition.

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), petition is allowed. Petition under Section 9 of the Act pending in the Court of learned Addl. Civil Judge (Sr. Divn.), Assandh is ordered to be transferred to learned District Judge, Kaithal, who may assign the same to the Court of competent jurisdiction there. Learned Addl. Civil Judge (Sr. Divn.), Assandh, shall ensure that entire record of the case is sent to learned District Judge, Kaithal. Concerned Court shall inform the counsel for the respondent regarding transfer of the case. The parties are directed to appear before the learned District Judge, Kaithal on 17.02.2016. Since, none has appeared on behalf of the respondent in

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this Court and if he remains unrepresented before learned District Judge, Kaithal, then learned District Judge, Kaithal shall issue notice to him.

Disposed of.

**27.01.2016**

parveen kumar

**(Paramjeet Singh Dhaliwal)**  
**Judge**