

TA No.463 of 2015

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

TA No.463 of 2015 (O&M)
Date of decision: 27.01.2016

Geeta

....Applicant

Versus

Jai Bhagwan Saini and others

....Respondents

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. J.S. Cooner, Advocate, for the petitioner.
None for the respondents.

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(1) (i) (i-a) (i-b) of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') filed by respondent No.1 – husband from the Court at Hisar to some other Court of competent jurisdiction at Rohtak.

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 13(1)(i) (i-a) (i-b) of the Act, which is pending in the Court of learned District Judge, Hisar. Now applicant is residing with her minor school going children at Meham, District Rohtak. It is further contended that petition under Section 12 of the

TA No.463 of 2015

Protection of Women from Domestic Violence Act, 2005 and a case arising from FIR No.160 dated 21.05.2013 registered under Sections 506/34 IPC at Police Station Meham against the respondent-husband are pending at Meham. 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 Rohtak than for the applicant to attend the same in Hisar. Therefore, the case under Section 13(1)(i) (i-a) (i-b) of the Act may be transferred to Rohtak.

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

Despite service, none has appeared on behalf of the respondents 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), application is allowed. Petition under Section 13(1)(i) (i-a) (i-b) of the Act pending in the Court of learned District Judge, Hisar is ordered to be transferred to learned District Judge, Rohtak, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Hisar, shall ensure that entire record of the case is sent to learned District Judge, Rohtak. Concerned Court shall inform the counsel for the respondents regarding transfer of the case. The parties

TA No.463 of 2015

are directed to appear before the learned District Judge, Rohtak on
17.02.2016.

Disposed of.

(Paramjeet Singh Dhaliwal)
Judge

January 27, 2016
R.S.