

TA No.468 of 2015

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

TA No.468 of 2015
Date of decision: 08.01.2016

Smt. Vibha

....Petitioner

Versus

Sh. Maheep Kumar

....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. A.K. Bakshi, Advocate, for the petitioner.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant petition under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition titled 'Maheep Kumar v. Vibha' under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') for dissolution of marriage between the parties filed by respondent-husband, from Rupnagar to Jalandhar.

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

Learned counsel for the petitioner contended that respondent has filed a petition under Section 13 of the Act at Rupnagar, which is pending in the Court of learned District Judge, Rupnagar. Now petitioner is residing with her old parents and minor daughter at Jalandhar, which is approximately 110 kms away from Rupnagar. It is

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further contended that petitions under Section 125 Cr.P.C. and Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the respondent-husband are pending at Jalandhar. Learned counsel for the petitioner 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 Jalandhar than for the petitioner to attend the same in Rupnagar. Therefore, the case under Section 13 of the Act may be transferred to Jalandhar.

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

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 petitioner, 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 13 of the Act pending in the Court of learned District Judge, Rupnagar is ordered to be transferred to learned District Judge, Jalandhar, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Rupnagar, shall ensure that entire record of the case is sent to learned District Judge, Jalandhar. Concerned Court shall inform the counsel for the respondent regarding transfer of the case. The parties are

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directed to appear before the learned District Judge, Jalandhar on
12.02.2016.

Disposed of.

(Paramjeet Singh Dhaliwal)
Judge

January 08, 2016
R.S.