

In the High Court of Punjab and Haryana at Chandigarh

**T.A. No. 506 of 2015
Date of Decision: March 03, 2016**

Indu Bala

... Applicant

Versus

Vijay Kumar

... Respondent

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

Present: Mr. Gaurav Jindal, Advocate,
for the applicant.

Mr. Diwan S. Adlakha, Advocate,
for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application has been filed under Section 24 read with Section 151 of the Code of Civil Procedure, 1908 for transfer of petition bearing No. HMA/196/2015, under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as the “Act”), filed by the respondent titled as “Vijay Kumar vs. Indu Bala”, pending in the Court of learned Addl. District Judge, Yamuna Nagar at Jagadhri to the court of competent jurisdiction at Panipat.

Learned counsel for the applicant contends that respondent-husband filed a petition under Section 13 of the Act for dissolution of marriage, which is pending before the learned Addl. District Judge, Yamuna Nagar at Jagadhri. Learned counsel further contends that the applicant has a minor male child. She has no source of income. 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 Jagadhri to defend proceedings instituted by the husband. Petition under Section 125 of the Code of Criminal Procedure, 1973 and application under Section 12 of the Protection of Woman from Domestic Violence Act, 2005 filed by the applicant, are pending against the respondent at 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 Jagadhri. Therefore, petition under Section 13 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, the circumstances mentioned in the application, pendency of other proceedings between the parties at Panipat and keeping in view the decision of Hon'ble Supreme Court in **Deepti Bhandari (supra)**, this Court is of the view that it would be in the interest of the respondent as well that all proceedings are tried at one place as he will not be required to appear at different places on different dates. Accordingly, petition under Section 13 of the Act filed by the respondent titled "Vijay Kumar vs. Indu Bala", pending in the Court of learned Addl. District Judge, Yamuna Nagar at Jagadhri 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 Addl. District Judge, Yamuna Nagar shall ensure that entire record

of the case is sent to learned District Judge, Panipat

Parties are directed to appear before the Court of learned District Judge, Panipat on 22.03.2016. Parties will be at liberty to make a request to the concerned courts for fixing all the afore-mentioned cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in all the aforementioned cases.

Disposed of.

March 03, 2016

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**[Paramjeet Singh Dhaliwal]
Judge**