

TA No.507 of 2015

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

TA No.507 of 2015

Date of decision: 28.01.2016

Monisha Pal

....Applicant

Versus

Deepak Dey

....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. Satish Garg, Advocate, for the applicant.
Mr. Deepak Arora, Advocate, for the respondent.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant petition under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition under Section 9 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by respondent-husband from the Court at Amritsar to the Court of competent jurisdiction at 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 9 of the Act at Amritsar, which is pending in the Court of learned Additional Civil Judge (Senior Division), Amritsar. Now petitioner is residing at Jalandhar. It is further contended that petition Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the respondent-husband is pending

TA No.507 of 2015

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 Amritsar. Therefore, the case under Section 9 of the Act may be transferred to Jalandhar.

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

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 9 of the Act pending in the Court of learned Additional Civil Judge (Senior Division), Amritsar, 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, Amritsar, shall ensure that entire record of the case is sent to learned District Judge, Jalandhar. The parties are directed to appear before the learned District Judge, Jalandhar on 17.2.2016.

Disposed of.

(Paramjeet Singh Dhaliwal)
Judge

January 28, 2016
R.S.