

TA No. 514 of 2015(O&M)

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

**TA No. 514 of 2015(O&M)
Date of decision: 17.02.2016**

Seema

....Applicant

Versus

Ajay Pal

....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. Pankaj Mehta, Advocate for the applicant.

None 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 (for short 'the Act') titled '**Ajay Pal Vs. Seema**', filed by respondent-husband from the Court at Chandigarh to the Court of competent jurisdiction at Hisar.

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

Learned counsel for the applicant contended that respondent has filed petition under Section 9 of the Act, which is pending in the Court of learned District Judge, Chandigarh. Now applicant along with

her minor daughter is residing with her parents at Hisar. It is further contended that two petitions under Section 125 Cr.P.C., under Section 12 of the Protection of Women From Domestic Violence Act, 2005 and a criminal case registered under Sections 498-A, 323, 506, 148, 149 IPC against the respondent-husband are pending at Hisar. 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 the applicant has minor daughter and has no source of income. Moreover, the distance between Hisar and Chandigarh is 250 k.ms. It would be easier for the respondent-husband as well to attend the proceedings in Hisar than for the applicant to attend the same in Chandigarh. Therefore, the petition under Section 9 of the Act may be transferred to Hisar.

Despite service, none has appeared on behalf of the respondent.

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 Hisar and keeping in view the decision of the 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 9 of the Act pending in the Court of learned District Judge,

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Chandigarh is withdrawn and ordered to be transferred to learned District Judge, Hisar, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Chandigarh, shall ensure that entire record of the case is sent to learned District Judge, Hisar. The parties are directed to appear before the learned District Judge, Hisar on 04.03.2016.

Disposed of.

February 17, 2016
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(Paramjeet Singh Dhaliwal)
Judge