

TA-519-2015

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

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Date of Decision: 29.01.2016

Meenakshi Madan

... Applicant (s)

Versus

Dr. Jasjit Singh

... Respondent(s)

**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. Gagandeep Singh, Advocate,
for the applicant.

Mr. Jashandeep Singh Sandhu, Advocate for
the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition titled as 'Dr. Jasjit Singh vs. Meenakshi Madan', under Section 13 of the Hindu Marriage Act, 1955 (for short, 'the Act') filed by the respondent-husband for dissolution of marriage, from Bathinda to Amritsar.

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

Learned counsel for the applicant contends that respondent has filed a petition under Section 13 of the 1955 Act for dissolution of

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marriage which is pending in the Court of learned District Judge, Bathinda. It is further contended that petition under Section 125 Cr.P.C. and application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 are pending against the respondent-husband at Amritsar. Learned counsel has produced print out from internet showing the pendency of aforesaid two cases at Amritsar. The same are taken on record. Learned counsel for the applicant has 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 Amritsar than for the applicant to attend the same in Bathinda. Therefore, the case under Section 13 of the Act may be transferred to Amritsar.

Per contra, learned counsel for the respondent vehemently opposes the contentions of learned counsel for the applicant and contended that presence of the applicant is not required on every date in the aforementioned cases pending in Bathinda.

In view of the submissions made by learned counsel for the parties, for the circumstances mentioned in the application and keeping in view the decision of the Hon'ble Supreme Court in ***Deepti Bhandari*** (supra), application is allowed. Petition under Section 13 of the Act pending in the Court of learned District Judge, Bathinda is ordered to be transferred to learned District Judge, Amritsar, who may assign the same to the Court of competent jurisdiction there. Learned District Judge,

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Bathinda shall ensure that entire record of the case is sent to learned District Judge, Amritsar. The parties through their counsel are directed to appear before the learned District Judge, Amritsar on 23.02.2016.

Disposed of.

Photocopy of this order be sent to learned District Judges, Bathinda and Amritsar through FAX/e.mail for compliance.

29.01.2016

parveen kumar

(Paramjeet Singh Dhaliwal)
Judge