

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 520 of 2015

Date of Decision: February 11, 2016

Savita Mohal

... Applicant

Versus

Satya Narayan

... Respondent

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

Present: Mr. Harsh Chopra, Advocate,
for the applicant.

None for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application has been filed under Section 24 of the Code of Civil Procedure for transfer of petition bearing No. DMC/90/2015 dated 03.07.2015, under Section 9 of the Hindu Marriage Act (hereinafter referred to as the "Act"), filed by the respondent titled as "Satya Narayan vs. Savita Mohal", pending in the Court of learned Additional Civil Judge (Senior Division), Rajpura, District Patiala to the court of competent jurisdiction at Kharar, District Mohali.

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

Learned counsel for the applicant contends that respondent-husband filed a petition under Section 9 of the Act for restitution of conjugal rights, which is pending before the learned Additional Civil Judge (Senior Division), Rajpura. Learned counsel further contends that the applicant is residing at her parental house situated in Kharar. She has no

source of income and it is not convenient for her to travel from Kharar to Rajpura to defend proceedings instituted by the husband. Petition under Section 125 Cr.P.C., filed by the applicant, is pending against the respondent in the Court of learned Sub Divisional Judicial Magistrate, Kharar. 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 Kharar than for the applicant to attend the same in Rajpura. Therefore, petition under Section 9 of the Act may be transferred to Kharar.

Despite service, none has appeared on behalf of the respondent to oppose this petition.

Considering the facts that the applicant is resourceless and the convenience of the wife is to be seen, therefore, in my opinion, present application deserves to be allowed.

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 Kharar, District Mohali 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 9 of the Act filed by the respondent titled "Satya Narayan vs. Savita Mohal", pending in the Court of learned Additional Civil Judge (Senior Division), Rajpura is withdrawn and ordered to be transferred to learned Addl. District Judge-I, Mohali, who may assign the same to the

Court of competent jurisdiction at Kharar. Learned Additional Civil Judge (Senior Division), Rajpura shall ensure that entire record of the case is sent to learned Addl. District Judge-I, Mohali.

Parties are directed to appear before the Court of learned Addl. District Judge-I, Mohali on 01.03.2016. Since none appeared on behalf of the respondent, learned Additional Civil Judge (Senior Division), Rajpura is directed to inform the counsel for the respondent – Satya Narayan about the date of appearance before the learned Addl. District Judge-I, Mohali. Parties will be at liberty to make a request to the concerned courts for fixing both the afore-mentioned cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in both the aforementioned cases.

Disposed of.

February 11, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge