

In the High Court of Punjab and Haryana at Chandigarh

T.A. No.525 of 2015

Date of Decision: February 24, 2016

Kavita Ladwal

... Applicant

Versus

Bharat Bhushan

... Respondent

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

Present: Mr. Jagjeet Beniwal, Advocate,
for the applicant.

Mr. Vishal Goel, Advocate,
for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Reply on the behalf of the respondent filed in Court today, is taken on record.

Instant application has been filed under Section 24 of the Code of Civil Procedure for transfer of petition bearing HMA No. 87/2015, under Section 13 of the Hindu Marriage Act (hereinafter referred to as the “Act”), filed by the respondent titled as “Bharat Bhushan vs. Kavita”, pending in the Court of learned Addl. District Judge, Sri Muktsar Sahib to the court of competent jurisdiction at Bhiwani.

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, Sri Muktsar Sahib. The applicant has one minor female child. Learned counsel

further contends that the applicant is residing at her parental house situated in District Bhiwani and it is not convenient for her to travel from Bhiwani to Sri Muktsar Sahib to defend proceedings instituted by the husband. Learned counsel further contends that applicant has already filed petition under Section 125 Cr.P.C., which was decided on 19.12.2012 by the learned District Judge, Family Court, Bhiwani. The applicant has also filed a petition under Section 9 of the Act, which was dismissed in default. 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 Bhiwani, than for the applicant to attend the same in Sri Muktsar Sahib. Therefore, petition under Section 13 of the Act may be transferred to Bhiwani.

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, having five years old daughter and petition under Section 125 Cr.P.C. decided at Bhiwani 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 petition under Section 13 of the Act be also transferred to Bhiwani. Accordingly, petition under Section 13 of the Act filed by the respondent titled "Bharat Bhushan versus Kavita", pending in the Court of learned Addl. District Judge, Sri Muktsar Sahib is withdrawn and ordered to be transferred to learned District Judge, Bhiwani, who may assign the same to the Court of competent jurisdiction there. Learned Addl.

District Judge, Sri Muktsar Sahib shall ensure that entire record of the case is sent to learned District Judge, Bhiwani. Parties are directed to appear before the Court of learned District Judge, Bhiwani on 14.03.2016.

Disposed of.

February 24, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge