

TA-535-2015

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

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Date of Decision: 29.01.2016

Narinder Kaur @ Nidhi

... Applicant (s)

Versus

Charanjit 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. Naveen Batra, Advocate,
for the applicant.

Mr. Malkeet Singh, 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 'Charanjit Singh versus Narinder Kaur @ Nidhi, under Section 11 of the Hindu Marriage Act, 1955 (for short, 'the Act'), filed by the respondent, for declaring the marriage between the parties as null and void, from Nawanshahr to Hoshiarpur.

It is the case of applicant that the applicant along with her minor child is residing at her parental house in village Padori, District Hoshiarpur, a far away place from Nawanshahr. The petition filed by

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the applicant under Section 125 Cr.P.C. for grant of maintenance is pending against the respondent before the Court of learned JMIC, Hoshiarpur. Learned counsel for the applicant relies upon the judgment of the Hon'ble Supreme Court in ***Deepti Bhandari v. Nitin Bhandari and another***, 2012(1)R.C.R.(Civil) 506 and contends that it would be easier for the respondent-husband to attend the proceedings in Hoshiarpur than for the applicant to attend the same in Nawanshahr. Therefore, the petition under Section 11 of the Act may be transferred to Hoshiarpur.

Per contra, learned counsel for the respondent vehemently opposes the contentions raised by learned counsel for the applicant and contends that the respondent is an handicapped person with 15% disability due to shortening of lower limb by 1/2” and there is also some fracture on the left side of neck side of the respondent.

Be that as it may, the fact remains that petition under Section 125 Cr.P.C. is pending between the parties at Hoshiarpur and it will be convenient for the parties to attend the proceedings at one place. It would be rather convenient for the parties to attend all the proceedings at one place. Keeping in view the decision of the Hon'ble Supreme Court in ***Deepti Bhandari*** (supra), application is allowed. Petition under Section 11 of the Act, pending in the Court of learned District Judge, Nawanshahr is ordered to be transferred to learned District Judge, Hoshiarpur, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Nawanshahr shall ensure that

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entire record of the case is sent to learned District Judge, Hoshiarpur. The parties through their counsel are directed to appear before the learned District Judge, Hoshiarpur on 23.02.2016. Parties will be at liberty to make a request to the concerned courts for fixing both the cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in both the cases.

Disposed of.

29.01.2016

parveen kumar

(Paramjeet Singh Dhaliwal)
Judge