

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 563 of 2015 (O&M)
Date of Decision: February 17, 2016

Simpi

... Applicant

Versus

Rakesh Kumar

... Respondent

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

Present: Mr. P.K. Ganga, Advocate,
for the applicant.

Mr. Ajay Singal, Advocate,
for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application has been filed under Section 24 read with Section 151 of the Code of Civil Procedure for transfer of petition under Section 13 of the Hindu Marriage Act (hereinafter referred to as the “Act”) filed by the respondent, titled “Rakesh Kumar vs. Simpi, pending in the Court of learned District Judge, Family Court, Sonapat to the court of competent jurisdiction at Fatehabad.

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

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 District Judge, Family Court, Sonapat. The applicant has no source of income. Learned counsel further contends that the applicant is residing at her parental house situated in District Fatehabad and it is not convenient for her to travel from Fatehabad

to Sonapat to defend proceedings instituted by the husband. Learned counsel further contends that applicant has already filed petition under Section 125 Cr.P.C. and application under Section 12 of the Protection of Women from Domestic Violence Act, which are pending at Tohana, District Fatehabad. 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 Fatehabad than for the applicant to attend the same in Sonapat. Therefore, petition under Section 13 of the Act may be transferred to Fatehabad.

Per contra, learned counsel for the respondent vehemently opposes the contentions raised by learned counsel for the applicant.

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 Tohana, District Fatehabad 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 13 of the Act filed by the respondent titled “Rakesh Kumar vs. Simpi”, pending in the Court of learned District Judge, Family Court, Sonapat, is withdrawn and ordered to be transferred to learned District Judge, Fatehabad, who may assign the same to the Court of

competent jurisdiction there. Learned District Judge, Soenpat shall ensure that entire record of the case is sent to learned District Judge, Fatehabad.

Parties are directed to appear before the Court of learned District Judge, Fatehabad on 04.03.2016.

Disposed of.

February 17, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge