

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 572 of 2015 (O&M)
Date of Decision: February 16, 2016

Jyoti

... Applicant

Versus

Pankaj

... Respondent

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

Present: Mr. Susheel Gautam, Advocate,
for the applicant.

Mr. Vivek Aggarwal, Advocate,
for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

CM-3354-CII-2016

Civil Misc. application is allowed subject to all just exceptions.

Additional affidavit of the petitioner is taken on record.

TA No. 572 of 2015

Instant application has been filed under Section 24 of the Code of Civil Procedure for transfer of petition under Section 13(1) of the Hindu Marriage Act (hereinafter referred to as the “Act”), filed by the respondent, titled as “Pankaj vs. Joyati” pending in the Court of learned District Judge, Family Court, Faridabad to the court of competent jurisdiction at Rohtak.

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(1) of the Act for dissolution of marriage, which is pending before the learned District Judge, Family Court, Faridabad, a far away place from Rohtak where the applicant is residing with her parents. The applicant has no source of income. Petition under Section 125 Cr.P.C. and petition under Section 9 of the Act, filed by the applicant, are pending against the respondent at Rohtak. 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 Rohtak than for the applicant to attend the same in Faridabad. Therefore, petition under Section 13(1) of the Act may be transferred to Rohtak.

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, for the circumstances mentioned in the application, pendency of other proceedings between the parties at Rohtak 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, transfer application is allowed. Petition under Section 13(1) of the Act filed by the respondent titled "Pankaj vs. Joyati", pending in the Court of learned District Judge, Family Court, Faridabad is withdrawn and ordered to be transferred to learned District Judge, Rohtak, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Faridabad shall ensure

that entire record of the case is sent to learned District Judge, Rohtak

Parties are directed to appear before the Court of learned District Judge, Rohtak on 03.03.2016. Parties will be at liberty to make a request to the concerned courts for fixing all the afore-mentioned cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in all the aforementioned cases.

Disposed of.

February 16, 2016

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[Paramjeet Singh Dhaliwal]
Judge