

In the High Court of Punjab and Haryana at Chandigarh

**T.A. No. 575 of 2015
Date of Decision: February 23, 2016**

Seema

... Applicant

Versus

Lalit Sharma

... Respondent

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

Present: Mr. Satish Jaswal, Advocate,
for the applicant.

Mr. Vishal Munjal, Advocate,
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 HMA No. 47/2015, under Section 13 of the Hindu Marriage Act (hereinafter referred to as the "Act"), filed by the respondent, titled as "Lalit Sharma vs. Seema" pending in the Court of learned Addl. District Judge, Pathankot to the court of competent jurisdiction at Amritsar.

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 Addl. District Judge,

Pathankot, a far away place from Amritsar 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 12 of the Protection of Women from Domestic Violence Act, filed by the applicant, are pending against the respondent at Amritsar. 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 Amritsar than for the applicant to attend the same in Pathankot. Therefore, petition under Section 13 of the Act may be transferred to Amritsar.

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, pendency of other proceedings between the parties at Amritsar 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 "Lalit Sharma vs. Seema", pending in the Court of learned Addl. District Judge, Pathankot is withdrawn and ordered to be transferred to learned District Judge, Amritsar, who may assign the same to the Court of competent jurisdiction there. Learned Addl. District Judge, Pathankot shall ensure that entire record of the case is sent to learned District Judge, Amritsar

Parties are directed to appear before the Court of learned District Judge, Amrirsar on 10.03.2016. 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 23, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge