

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 579 of 2015

Date of Decision: February 15, 2016

Rekha

... Applicant

Versus

Narender Kumar

... Respondent

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

Present: Mr. Amandeep Sibia, Advocate,
for the applicant.

None 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. 11/2015, under Section 9 of the Hindu Marriage Act (hereinafter referred to as the “Act”), filed by the respondent titled as “Narender Kumar vs. Smt. Rekha”, pending in the Court of learned Civil Judge (Senior Division), Fatehabad to the court of competent jurisdiction at Kurukshetra.

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

Learned counsel for the applicant contends that respondent-husband filed a petition under Section 9 of the Act for restitution of conjugal rights, which is pending before the learned Civil Judge (Senior Division), Fatehabad. The applicant has no source of income. Learned counsel further contends that the applicant is residing at her parental house situated in District Kurukshetra and it is not convenient for her to travel

from Kurukshetra to Fatehabad to defend proceedings instituted by the husband. Petition under Section 125 Cr.P.C. and application under the provisions of the Protection of Women from Domestic Violence Act, filed by the applicant, are pending against the respondent in the District Courts, Kurukshetra. 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 Kurukshetra than for the applicant to attend the same in Fatehabad. Therefore, petition under Section 9 of the Act may be transferred to Kurukshetra.

Despite service, none has appeared on behalf of the respondent to oppose this petition.

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 Kurukshetra 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 9 of the Act filed by the respondent titled "Narender Kumar vs. Smt. Rekha", pending in the Court of learned Civil Judge (Senior Division), Fatehabad is withdrawn and ordered to be transferred to learned District Judge, Kurukshetra, who may assign the same to the Court of competent

jurisdiction there. Learned Civil Judge (Senior Division), Fatehabad shall ensure that entire record of the case is sent to learned District Judge, Kurukshetra.

Parties are directed to appear before the Court of learned District Judge, Kurukshetra on 03.03.2016. Since none appeared on behalf of the respondent, learned Civil Judge (Senior Division), Fatehabad is directed to inform the counsel for the respondent – Narender Kumar about the date of appearance before the learned District Judge, Kurukshetra. 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 15, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge