

TA No.601 of 2015

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

TA No.601 of 2015
Date of decision: 03.02.2016

Sonia Sharma @ Amarjit Kaur

....Applicant

Versus

Gurjeet Singh

....Respondent

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. Vikram Bali, Advocate, for the applicant.
Mr. Vishal Satija, 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 under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by respondent-husband from the Court at Jalandhar to the Court of competent jurisdiction at Mohali.

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

Learned counsel for the applicant contended that respondent has filed a petition under Section 13 of the Act, which is pending in the

TA No.601 of 2015

Court of learned Additional District Judge, Jalandhar. Now applicant and her minor daughter are residing with her parents at Mohali. It is very difficult for her to attend the proceedings at Jalandhar. Learned counsel for the applicant further submitted that proceedings under Section 125 Cr.P.C. against the respondent are pending in the Court at Mohali. Learned counsel for the applicant relied upon the judgment of Hon'ble Supreme Court in ***Deepti Bhandari v. 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 Mohali than for the applicant to attend the same in Jalandhar. Learned counsel for the applicant submits that applicant is ready to settle the matter in lieu of permanent alimony, however, respondent is reluctant to pay the permanent alimony. Therefore, the case under Section 13 of the Act may be transferred to Mohali.

Per contra, learned counsel for the respondent contends that proceedings in petition under Section 13 of the Act are civil in nature and presence of the applicant is not required in the petition under Section 13 of the Act on each and every date.

I have considered the contentions raised by learned counsel for the parties.

In view of the submissions made by learned counsel for the applicant, and keeping in view the decision of the Hon'ble Supreme Court in ***Deepti Bhandari*** (supra), application is allowed. Petition under

TA No.601 of 2015

Section 13 of the Act pending in the Court of learned Additional District Judge, Jalandhar, is ordered to be transferred to learned Additional District Judge, Mohali, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Jalandhar, shall ensure that entire record of the case is sent to learned Additional District Judge, Mohali. The parties are directed to appear before the learned Additional District Judge, Mohali on 23.02.2016.

Disposed of.

(Paramjeet Singh Dhaliwal)
Judge

February 03, 2016
R.S.