

**In the High Court of Punjab and Haryana at Chandigarh**

**T.A. No. 604 of 2015**

**Date of Decision: February 09, 2016**

*Reecha*

*... Applicant*

*Versus*

*Raj Kumar*

*... Respondent*

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

Present: Mr. Abhimanyu Batra, 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 under Section 9 of the Hindu Marriage Act (hereinafter referred to as the “Act”) titled as “Raj Kumar vs. Reecha”, pending in the Court of learned District Judge, Family Court, Hisar to the Court of competent jurisdiction at Jind.

I have heard learned counsel for the applicant.

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 District Judge, Family Court, Hisar. The applicant has no source of income. Learned counsel further contends that the applicant is residing with her parents at Jind and it is not convenient for her to travel from Jind to Hisar to defend proceedings instituted by the husband. Learned counsel further contends that applicant has already filed petitions under Section 12 of the Protection of Women from Domestic Violence Act and under Section 125 Cr.P.C. against the

respondent which is pending before the District Court, Jind. 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 Jind than for the applicant to attend the same in Hisar. Therefore, petition under Section 9 of the Act may be transferred to Jind.

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 and keeping in view the decision of Hon'ble Supreme Court in **Deepti Bhandari (supra)**, transfer application is allowed. Petition under Section 9 of the Act filed by the respondent titled "Raj Kumar vs. Reecha", pending in the Court of learned District Judge, Hisar is withdrawn and ordered to be transferred to learned District Judge, Jind, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Hisar shall ensure that entire record of the case is sent to learned District Judge, Jind.

Parties are directed to appear before the Court of learned District Judge, Jind on 29.02.2016. Since none appeared on behalf of the respondent, learned District Judge, Hisar is directed to inform the counsel for the respondent – Raj Kumar about the date of appearance before the learned District Judge, Jind. Parties will be at liberty to make a request to

the concerned courts for fixing all the three cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in all the three cases.

Disposed of.

**February 09, 2016**  
vkd

**[Paramjeet Singh Dhaliwal]**  
**Judge**