

TA No.612 of 2015

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

TA No.612 of 2015

Date of decision: 18.02.2016

Harjit Kaur

....Applicant

Versus

Vikramjit 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. Lakhwinder Singh Mann, Advocate, for the applicant.
None for the respondent.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant petition 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 Ludhiana to the Court of competent jurisdiction at Fatehgarh Sahib.

I have heard learned counsel for the applicant 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 Court of learned District Judge, Ludhiana. Now applicant is residing with her parents and minor child at Fatehgarh Sahib. It is further contended that between the parties, petition under Section 125 Cr.P.C.

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and a civil suit are pending at Fatehgarh Sahib. 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 Fatehgarh Sahib than for the applicant to attend the same in Ludhiana. Therefore, the case under Section 13 of the Act may be transferred to Fatehgarh Sahib.

Despite service, nobody has put in appearance on behalf of the respondent.

I have considered 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 petition, keeping in view the decision of the Hon'ble Supreme Court in ***Deepti Bhandari v. Nitin Bhandari and another***, 2012(1)R.C.R.(Civil) 506 and having regard to the nature of the dispute involved in both the cases, it is highly expedient that the cases are heard by the same Court. It will not only be convenient for the applicant but also 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 pending in the Court of learned District Judge, Ludhiana, is ordered to be withdrawn and transferred to learned District Judge, Fatehgarh Sahib, who may assign the same to the court of competent jurisdiction there. Learned District Judge, Ludhiana

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shall ensure that entire record of the case is sent to learned District Judge, Fatehgarh Sahib. Concerned Court shall inform the counsel for the respondent regarding transfer of the case. The parties are directed to appear before learned District Judge, Fatehgarh Sahib on 4.03.2016.

Disposed of.

(Paramjeet Singh Dhaliwal)
Judge

February 18, 2016
R.S.