

TA-613-2015

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

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Date of Decision: 28.01.2016

Kanwaljit Kaur

... Applicant (s)

Versus

Inderpreet Singh

... Respondent(s)

**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. Amit Dhawan, Advocate,
for the applicant.

None 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 titled as 'Inderpreet Singh vs. Kanwaljit Kaur' under Section 9 of the Hindu Marriage Act, 1955 (for short, 'the Act') filed by the respondent-husband for restitution of conjugal rights, from Patiala to Jalandhar.

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 9 of the 1955 Act for restitution of

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conjugal rights which is pending in the Court of learned Additional Civil Judge (Sr. Divn.), Patiala, a far away place from Jalandhar where the applicant is residing with her old parents and minor child. It is further contended that application under Section 12 of the Protection of Women from Domestic Violence Act 2005 filed by the applicant is pending against the respondent-husband at Jalandhar. Learned counsel for the applicant relies upon the judgment of Hon'ble Supreme Court in ***Deepti Bhandari v. Nitin Bhandari and another***, 2012(1)R.C.R.(Civil) 506 and contends that it would be easier for the respondent-husband to attend the proceedings in Jalandhar than for the applicant to attend the same in Patiala. Therefore, the case under Section 9 of the Act may be transferred to Jalandhar.

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

In view of the submissions made by learned counsel for the applicant, for the circumstances mentioned in the petition and keeping in view the decision of the Hon'ble Supreme Court in ***Deepti Bhandari*** (supra), petition is allowed. Petition under Section 9 of the Act pending in the Court of learned Addl. Civil Judge (Sr. Divn.), Patiala is ordered to be transferred to learned District Judge, Jalandhar, who may assign the same to the Court of competent jurisdiction there. Learned Addl. Civil Judge (Sr. Divn.), Patiala, shall ensure that entire record of the case is sent to learned District Judge, Jalandhar. Concerned Court shall inform the counsel for the respondent regarding transfer of the case. The

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parties are directed to appear before the learned District Judge, Jalandhar
on 17.02.2016.

Disposed of.

28.01.2016

parveen kumar

(Paramjeet Singh Dhaliwal)
Judge