

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 623 of 2015

Date of Decision: February 11, 2016

Pooja Bala

... Applicant

Versus

Anurag Prashar

... Respondent

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

Present: Mr. Sarju Puri, 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 No. 1393 of 2015, under Section 13 of the Hindu Marriage Act (hereinafter referred to as the “Act”), filed by the respondent titled as “Anurag Prashar vs. Pooja Bala”, pending in the Court of learned Additional District Judge, Ludhiana to the court of competent jurisdiction in District Shaheed Bhagat Singh Nagar.

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 13 of the Act, which is pending before the learned Additional District Judge, Ludhiana. Learned counsel further contends that the applicant is residing at her parental house situated in District Shaheed Bhagat Singh Nagar and it is not convenient for her to travel from Nawanshaher to Ludhiana to defend proceedings instituted by

the husband. Petition under Section 125 Cr.P.C. and application under Sections 12 and 23(1) of the Protection of Women from Domestic Violence Act, filed by the applicant, are pending against the respondent in the District Courts, Shaheed Bhagat Singh Nagar. 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 Shaheed Bhagat Singh Nagar than for the applicant to attend the same in Ludhiana. Therefore, petition under Section 13 of the Act may be transferred to Shaheed Bhagat Singh Nagar.

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

Considering the facts that 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 Shaheed Bhagat Singh Nagar 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 13 of the Act filed by the respondent titled “Anurag Prashar vs. Pooja Bala”, pending in the Court of learned Additional District Judge, Ludhiana is withdrawn and ordered to be transferred to learned District Judge, Shaheed Bhagat Singh Nagar, who may assign the same to the Court of competent jurisdiction there. Learned Additional District

Judge, Ludhiana shall ensure that entire record of the case is sent to learned District Judge, Shaheed Bhagat Singh Nagar.

Parties are directed to appear before the Court of learned District Judge, Shaheed Bhagat Singh Nagar on 01.03.2016. Since none appeared on behalf of the respondent, learned Additional District Judge, Ludhiana is directed to inform the counsel for the respondent – Anurag Prashar about the date of appearance before the learned District Judge, Shaheed Bhagat Singh Nagar. 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 11, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge