

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 640 of 2015 (O&M)
Date of Decision: February 27, 2016

Varneet Kaur

... Applicant

Versus

Pritam Singh

... Respondent

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

Present: Mr. Jatinder Nagpal, Advocate,
for the applicant.

Mr. Deepak Bhardwaj, Advocate,
for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application has been filed under Section 24 read with Section 151 of the Code of Civil Procedure for transfer of petition, under Section 9 of the Hindu Marriage Act (hereinafter referred to as the “Act”), filed by the respondent titled as “Pritam Singh vs. Varneet Kaur”, pending in the Court of learned District Judge, Family Court, Hisar to the court of competent jurisdiction at Patiala.

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 one minor female child. She has no source of income. Learned counsel further contends that the applicant is residing at her parental house situated in District Patiala and it is not convenient for her

to travel from Patiala to Hisar to defend proceedings instituted by the husband. Petition under Section 125 Cr.P.C. and application under Section 12 of the Protection of Women from Domestic Violence Act, filed by the applicant, are pending against the respondent at Patiala. 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 Patiala, than for the applicant to attend the same in Hisar. Therefore, petition under Section 9 of the Act may be transferred to Patiala.

Per contra, learned counsel for the respondent vehemently opposes 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 application, pendency of other proceedings between the parties at Patiala 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 9 of the Act filed by the respondent titled "Pritam Singh vs. Varneet Kaur", pending in the Court of learned District Judge, Family Court, Hisar is withdrawn and ordered to be transferred to learned District Judge, Patiala, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Family Court, Hisar shall ensure that entire record of the case is sent to learned District Judge, Patiala.

Parties are directed to appear before the Court of learned District Judge, Patiala on 21.03.2016. 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 27, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge