

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 642 of 2015
Date of Decision: February 29, 2016

Manisha

... Applicant

Versus

Pardeep

... Respondent

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

Present: Mr. Parmod Parmar, 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 13 of the Hindu Marriage Act (hereinafter referred to as the “Act”), filed by the respondent, titled as “Pardeep vs. Manisha” pending in the Court of learned District Judge, Family Court, Bhiwani to the court of competent jurisdiction at Jhajjar.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the applicant contends that respondent-husband filed a petition under Section 13 of the Act for dissolution of marriage, which is pending before the learned District Judge, Family Court, Bhiwani, a far away place from Jhajjar where the applicant is residing with

her parents. The applicant has no source of income. Petition under Section 125 Cr.P.C., filed by the applicant, is pending against the respondent at Jhajjar. 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 Jhajjar than for the applicant to attend the same in Bhiwani. Therefore, petition under Section 13 of the Act may be transferred to Jhajjar.

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, the circumstances mentioned in the application, pendency of other proceedings between the parties at Jhajjar 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 "Pardeep vs. Manisha", pending in the Court of learned District Judge, Family Courts, Bhiwani is withdrawn and ordered to be transferred to learned District Judge, Jhajjar, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Bhiwani shall ensure that entire record of the case is sent to learned District Judge, Jhajjar.

Parties are directed to appear before the Court of learned District Judge, Jhajjar 14.03.2016. Since none appeared on behalf of the respondent, learned District Judge, Bhiwani, is directed to inform the counsel for the respondent– Pardeep about the date of appearance before the learned District Judge, Jhajjar.

Disposed of.

February 29, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge