

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 654 of 2015
Date of Decision: February 26, 2016

Aggyajeet Kaur

... Applicant

Versus

Prem Pal

... Respondent

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

Present: Mr. Amrik Singh, Advocate,
for the applicant.

Mr. K.S. Kang, 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 “Prem Pal vs. Agyajeet Kaur”, pending in the Court of learned Addl. District Judge, Panchkula to the court of competent jurisdiction at Rupnagar.

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 Addl. District Judge, Panchkula. The applicant gave birth to a child. She has no source of income. Learned counsel further contends that the applicant is residing at her parental house situated in District Rupnagar and it is not convenient for her

to travel from Rupnagar to Panchkula to defend proceedings instituted by the husband. Petition under Section 12 of the Protection of Women from Domestic Violence Act, filed by the applicant, is pending against the respondent at Rupnagar. 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 Rupnagar, than for the applicant to attend the same in Panchkula. Therefore, petition under Section 9 of the Act may be transferred to Rupnagar.

Learned counsel for the respondent states that respondent has no objection, if the petition under Section 9 of the Act is transferred to Rupnagar. He further states that respondent will explore the possibility of settlement.

In view of consent of the respondent and the circumstances mentioned in the application, pendency of other proceedings between the parties at Rupnagar 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 "Prem Pal vs. Agyajeet Kaur", pending in the Court of learned Addl. District Judge, Panchkula is withdrawn and ordered to be transferred to learned District Judge, Rupnagar, who may assign the same to the Court of competent jurisdiction there. Learned Addl. District Judge, Panchkula shall ensure that entire record of the case is sent to learned District Judge, Rupnagar. Parties are directed to appear before the Court of

learned District Judge, Rupnagar, on 21.03.2016.

The parties will be at liberty to get the case referred for mediation, in the lower court.

Disposed of.

February 26, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge