

TA No.655 of 2015

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

TA No.655 of 2015 (O&M)
Date of decision: 11.01.2016

Vandana Madan and others

....Petitioners

Versus

Sumit Kalra

....Respondent

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. Vaibhav Jain, Advocate, for the petitioners.
None for the respondent.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant petition under Section 24 of the Code of Civil Procedure has been filed seeking transfer of suit for mandatory injunction/recovery filed by respondent-husband from Rupnagar to Hisar as the petitioners are residing at Narnaund, District Hisar which is approximately 240 kms away from Rupnagar.

Learned counsel for the petitioners contended that respondent has filed a suit for mandatory injunction/recovery against the petitioners, which is pending in the Court of Civil Judge (Senior Division), Rupnagar. Petitioners are residing at Narnaund, which is approximately 240 kms away from Rupnagar. It is further contended that a petition under Section 125 Cr.P.C. filed by petitioner No.1-wife against the respondent-husband and a petition under Section 13 of the Hindu

TA No.655 of 2015

Marriage Act filed by respondent-husband against petitioner No.1 are pending in the Court at Hisar. Learned counsel for the petitioner relied upon the judgment of Hon'ble Supreme Court in ***Deepti Bhandari v. 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 Hisar than for the petitioner to attend the same in Rupnagar. Therefore, the aforesaid suit may be transferred to Hisar.

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 petitioner and judgment of Hon'ble Supreme Court in ***Deepti Bhandari v. Nitin Bhandari and another***, 2012(1)R.C.R.(Civil) 506, petition is allowed. Aforementioned suit filed by the respondent against the petitioners is ordered to be transferred to learned District Judge, Hisar, who may assign the same to the Court of competent jurisdiction at Hisar. Learned District Judge, Rupnagar, shall ensure that entire record of the case is sent to learned District Judge, Hisar. Concerned Court shall inform the counsel for the respondent regarding transfer of the case. The parties are directed to appear before the learned District Judge, Hisar on 15.02.2016.

Disposed of.

(Paramjeet Singh Dhaliwal)
Judge

January 11, 2016
R.S.