

TA-658-2015

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

TA-658-2015

Date of Decision: 29.01.2016

Sharmila

... Applicant (s)

Versus

Ajmer Singh

... Respondent(s)

**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. Raj Kapoor Malik, Advocate,
for the applicant.

Mr. Harminder Singh, Advocate,
for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition, titled as 'Ajmer Singh vs. Sharmila', under Section 7 read with Section 25 of the Guardians and Wards Act, 1890 (for short, 'the Act'), filed by the respondent, for taking the custody of minors, from Jind to Kaithal.

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

Learned counsel for the applicant contends that respondent has filed petition under Section 7 read with Section 25 of the Act for

TA-658-2015

taking the custody of minors. The applicant is residing at her parental house situated in District Jind. The 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 in the District Court, Kaithal. Learned counsel for the applicant relies upon the judgment of the Hon'ble Supreme Court in ***Deepti Bhandari v. Nitin Bhandari and another***, 2012(1)R.C.R.(Civil) 506 and contends that it would be easier for the respondent-husband to attend the proceedings in Kaithal than for the applicant to attend the same in Jind. Therefore, the petition under Section 7 read with Section 25 of the Act may be transferred to Kaithal.

Per contra, learned counsel for the respondent vehemently opposes the contentions raised by learned counsel for the applicant and contends that the applicant is not required to appear on every date in the Court at Jind.

In view of the submissions made by learned counsel for the applicant, for the circumstances mentioned in the application and keeping in view the decision of the Hon'ble Supreme Court in ***Deepti Bhandari*** (supra), application is allowed. Petition under Section 7 read with Section 25 of the Act, pending in the Court of learned Civil Judge (Sr. Divn.), Jind is ordered to be transferred to learned District Judge, Kaithal, who may assign the same to the Court of competent jurisdiction there. Learned Civil Judge (Sr. Divn.), Jind shall ensure that entire record of the case is sent to learned District Judge, Kaithal. The parties

TA-658-2015

through their counsel are directed to appear before the learned District Judge, Kaithal on 23.02.2016. Parties will be at liberty to make a request to the concerned courts for fixing all the three cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in all the three cases.

Disposed of.

29.01.2016

parveen kumar

(Paramjeet Singh Dhaliwal)
Judge