

In the High Court of Punjab and Haryana at Chandigarh

**T.A. No. 670 of 2015 (O&M)
Date of Decision: February 24, 2016**

Sonia

... Applicant

Versus

Kuldeep Singh

... Respondent

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

Present: Mr. Abhinav Gupta, Advocate,
for the applicant.

Mr. Arpandeep Narual, Advocate
for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Reply on behalf of respondent filed in Court today, is taken on record.

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 "Kuldeep Singh vs. Sonia", pending in the Court of learned Addl. District Judge, Sirsa to the court of competent jurisdiction at Kaithal.

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 Addl. District Judge, Sirsa. The applicant has no source of income. Learned counsel further contends that the applicant is residing at her parental house situated in Kaithal and it

is not convenient for her to travel from Kaithal to Sirsa to defend proceedings instituted by the husband. Learned counsel further contends that applicant has already filed petition under Section 125 Cr.P.C., against the respondent which is pending at Kaithal. 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 Kaithal than for the applicant to attend the same in Sirsa. Therefore, petition under Section 13 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.

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 Kaithal 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 "Kuldeep Singh vs. Sonia", pending in the Court of learned Addl. District Judge, Sirsa is withdrawn and ordered to be transferred to learned District Judge, Kaithal, who may assign the same to the Court of competent jurisdiction there and directed the concerned court

to decide the aforesaid cases expeditiously. Learned Addl. District Judge, Sirsa shall ensure that entire record of the case is sent to learned District Judge, Kaithal.

Parties are directed to appear before the Court of learned District Judge, Kaithal on 14.03.2016. Parties will be at liberty to make a request to the concerned courts for fixing both the aforementioned cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in both the aforementioned cases.

Disposed of.

February 24, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge