

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 682 of 2015

Date of Decision: February 11, 2016

Rukmani

... Applicant

Versus

Sudhir Kumar Sehgal and another

... Respondents

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

Present: Mr. R.S. Randhawa, Advocate,
for the applicant.

Mr. Akashdeep Singh, Advocate,
for respondent No.1.

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 Sections 13(1)(i), 13(1)(ia) of the Hindu Marriage Act (hereinafter referred to as the “Act”) filed by the respondent titled as “Sudhir Kumar Sehgal vs. Rukmani and another”, pending in the Court of learned District Judge, Family Court, Rohtak to the court of competent jurisdiction at Ludhiana.

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 Sections 13(1)(i), 13(1)(ia) of the Act for dissolution of marriage, which is pending before the learned District Judge, Family Court, Rohtak. Learned counsel further contends that the applicant

is residing at her parental house situated in District Ludhiana and it is not convenient for her to travel from Ludhiana to Rohtak to defend proceedings instituted by the husband. Petition under Section 125 Cr.P.C., filed by the applicant is pending before the learned Judicial Magistrate First Class, Ludhiana. 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 Rohtak than for the applicant to attend the same in Ludhiana. Therefore, petition under Section 13(1)(i), 13(1)(ia) of the Act may be transferred to Ludhiana.

Per contra, learned counsel for the respondent vehemently opposes the contentions raised by learned counsel for the applicant.

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 Ludhiana 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 Sections 13(1)(i), 13(1)(ia) of the Act filed by the respondent titled "Sudhir Kumar Sehgal vs. Rukmani and another", pending in the Court of learned District Judge, Family Court, Rohtak is withdrawn and ordered to be transferred to learned District Judge, Ludhiana, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Family Court, Rohtak, shall ensure that entire record of the case is sent to learned District Judge, Ludhiana.

Parties through their counsel are directed to appear before the Court of learned District Judge, Ludhiana on 01.03.2016. Parties will be at liberty to make a request to the concerned courts for fixing both the cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in both the cases.

Disposed of.

February 11, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge