

TA-689-2015

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

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Date of Decision: 27.02.2016

Mukta Jain

... Petitioner(s)

Versus

Arvinder Kumar

... 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. Ravish Bansal, Advocate,
for the applicant.

Mr. Manpreet Singh, Advocate for
Mr. Anurag Arora, Advocate,
for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

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, 1955 (for brevity, 'the Act'), filed by the respondent, titled as 'Arvinder Kumar vs. Mukta Jain', pending in the Court of learned District Judge, Mansa to the court of competent jurisdiction at Bathinda.

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

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Learned counsel for the applicant contends that respondent -husband filed a petition under Section 13 of the Act for dissolution of marriage between the parties, which is pending before learned District Judge, Mansa. The applicant, who is working as teacher in DAV, School, Bathinda, is residing at her parental house along with her minor daughters and it is not convenient for her to travel from Bathinda to Mansa. Learned counsel further contends that the applicant has filed petition under Sections 12(1), 17, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 against the respondent and his family members and also a civil suit on behalf of the minors which are pending at Bathinda. Learned counsel for the applicant relied upon a judgment of the 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 respondent-husband to attend the proceedings in Bathinda than for the applicant to attend the same in Mansa. Therefore, petition under Section 13 of the Act may be transferred to Bathinda.

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 living along with her minor daughters and is working as teacher 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

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applicant, the circumstances mentioned in the application, pendency of other proceedings between the parties at Bathinda and keeping in view the decision of the Hon'ble Supreme Court in *Deepti Bhandari's (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 respondent, titled as 'Arvinder Kumar vs. Mukta Jain', pending in the Court of learned District Judge, Mansa is withdrawn and ordered to be transferred to learned District Judge, Bathinda, who may assign the same to the Court of competent jurisdiction there. The transferor Court shall ensure that entire record of the case is sent to the transferee Court immediately. Parties through their counsel are directed to appear before the transferee court on 21.03.2016. Parties will be at liberty to make a request to the concerned courts for fixing all the aforementioned cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in all the aforementioned cases.

Disposed of.

27.02.2016
parveen kumar

(Paramjeet Singh Dhaliwal)
Judge