

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

**Transfer Application No.69 of 2015
Date of decision: 1.3.2016**

Mahesh Puri

... Applicant

Versus

Purva Puri

... Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

Present: Mr. Puneet Sharma, Advocate,
for the applicant.

Mr. Sajal Koser, Advocate and
Mr. Varun Issar, Advocate,
for the respondent.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

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 'Purva Puri vs. Mahesh Puri' (Annexure P-3), pending in the Court of learned District Judge, Chandigarh, to the court of learned District Judge, Ludhiana.

I have heard learned counsel for the parties and perused the

record.

Learned counsel for the applicant contends that respondent -wife has filed a petition under Section 13 of the Act for dissolution of marriage between the parties, which is pending before learned District Judge, Chandigarh. The applicant also has filed a petition under Section 9 of the Act and the same is pending in the Court of learned District Judge, Ludhiana. Learned counsel further contends that the applicant is ready to bear the litigation expenses and counsel fee of the respondent to be engaged by her at Ludhiana.

On the other hand, learned counsel for the respondent states that he has no objection if the application is allowed, subject to appropriate costs as litigation expenses. Learned counsel further states that his consent is only for transfer of the case. The consent may not be construed as admission of the allegations levelled in the application.

Without going into the merits of the case and in view of consent of learned counsel for the respondent, application is allowed. Petition (Annexure P-3) under Section 13 of the Act pending in the Court of learned District Judge, Chandigarh is withdrawn and ordered to be transferred to learned District Judge, Ludhiana, who may assign the same to the Court of competent jurisdiction there. The applicant shall bear the expenses of counsel for the respondent to be engaged at Ludhiana and other expenses for witnesses and travelling expenses which are in lump sum assessed at ₹ 25,000/- for counsel fee and ₹ 10,000/- for witnesses and travelling

expenses. 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 31.03.2016. Parties will be at liberty to make a request to the concerned court(s) for fixing all the aforementioned cases, pending between the parties at Ludhiana, on one date. If such a request is made, the Court(s) shall make an endeavour to fix same date in all the aforementioned cases.

It is made clear that the consent given by the learned counsel for the respondent is qua transfer of the case and it will not amount to admission of the averments/allegations made in the transfer application. It is further made clear that this order will not have any bearing on the merits of the case before the lower court. The court concerned shall hear and decide the case on merits in accordance with law.

Disposed of.

(PARAMJEET SINGH DHALIWAL)
JUDGE

March 1, 2016

Paritosh Kumar