

In the High Court of Punjab and Haryana at Chandigarh

**T.A. No. 692 of 2015 (O&M)
Date of Decision: February 11, 2016**

Anjali

... Applicant

Versus

Jitender Kumar @ Happy

... Respondents

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

Present: Mr. Vaibhav Jain, Advocate,
for the applicant.

Mr. Sharad Aggarwal, 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(ia) of the Hindu Marriage Act (hereinafter referred to as the “Act”) filed by the respondent titled as “Jitender Kumar @ Happy vs. Tamanna @ Anjali @ Tannu”, pending in the Court of learned Additional District Judge, Panipat to the court of competent jurisdiction at Hisar.

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 Section 13(ia) of the Act for dissolution of marriage, which is pending before the learned Additional District Judge, Panipat. Learned counsel further contends that the applicant is residing at

her parental house situated in Hansi, District Hisar and it is not convenient for her to travel from Hansi to Panipat to defend proceedings instituted by the husband. Petition under the provisions of Protection of Women from Domestic Violence Act and civil suit, filed by the applicant is pending before the learned Sub Divisional Judicial Magistrate, Hansi. 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 Hansi than for the applicant to attend the same in Panipat. Therefore, petition under Section 13(ia) of the Act may be transferred to Hansi.

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 Hansi, District Hisar 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, transfer application is allowed. Petition under Section 13(ia) of the Act filed by the respondent titled "Jitender Kumar @ Happy vs. Tamanna @ Anjali @ Tannu", pending in the Court of learned Additional District Judge, Panipat is withdrawn and ordered to be transferred to learned District Judge, Hisar, who may assign the same to the Court of competent jurisdiction at Hansi.

Learned Additional District Judge, Panipat, shall ensure that entire record of

the case is sent to learned District Judge, Hisar.

Parties through their counsel are directed to appear before the Court of learned District Judge, Hisar on 01.03.2016. 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.

February 11, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge