

In the High Court of Punjab and Haryana at Chandigarh

**T.A. No. 699 of 2015 (O&M)
Date of Decision: March 03, 2016**

Honey Bala

... Applicant

Versus

Navneet Kumar

... Respondent

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

Present: Mr. Gaurav Rana, Advocate,
for the applicant.

Mr. Ashok Bhardwaj, Advocate,
for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application has been filed under Section 24 of the Code of Civil Procedure, 1908 for transfer of petition bearing No. HMA/84/2015, under Section 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as the "Act"), filed by the respondent titled as "Naveen Kumar vs. Honey Bala", pending in the Court of learned Addl. Civil Judge (Senior Division), Samana to the court of competent jurisdiction at Ludhiana.

Learned counsel for the applicant contends that respondent-husband filed a petition under Section 9 of the Act for restitution of conjugal rights, which is pending before the learned Addl. Civil Judge (Senior Division), Samana. The applicant has a minor female child. 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 Samana to defend proceedings instituted by the husband. Petition under the provisions of Protection of Women from Domestic Violence Act, 2005, filed by the applicant, is pending against the respondent at 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 Ludhiana, than for the applicant to attend the same in Samana. Therefore, petition under Section 9 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 Section 9 of the Act filed by the respondent titled "Naveen Kumar vs. Honey Bala", pending in the Court of learned Addl. Civil Judge (Senior Division), Samana 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 Addl. Civil Judge (Senior Division), Samana shall ensure that entire record of the case is sent to learned District Judge, Ludhiana.

Parties are directed to appear before the Court of learned

District Judge, Ludhiana on 22.03.2016. Parties will be at liberty to make a request to the concerned courts for fixing both the afore-mentioned 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.

March 03, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge