

TA-705-2015

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

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Date of Decision: 02.02.2016

Rajni Bhalla

... Applicant (s)

Versus

Pardeep Sehgal

... 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. Jaswinder Singh, Advocate,
for the applicant.

None for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition titled as 'Pardeep Sehgal vs. Rajni Bhalla' under Section 9 of the Hindu Marriage Act, 1955 (for short, 'the Act') filed by the respondent-husband for restitution of conjugal rights, from Malerkota to the Khanna, District Ludhiana.

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

Learned counsel for the applicant contends that respondent has filed a petition under Section 9 of the Act for restitution of conjugal rights which is pending in the Court of learned Additional Civil Judge

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(Sr. Divn.), Malerkotla, a far away place from Khanna where the applicant is residing with her old parents and minor child. It is further contended that petition under Section 125 Cr.P.C. is pending against the respondent-husband in the Court at Khanna. Learned counsel for the applicant relies upon the judgment of Hon'ble Supreme Court in **Deepti Bhandari v. Nitin Bhandari and another**, 2012(1)R.C.R.(Civil) 506 and contends that it would be easier for the respondent-husband to attend the proceedings in Khanna than for the applicant to attend the same in Malerkotla. Therefore, the case under Section 9 of the Act may be transferred to Khanna.

Despite service, none has appeared on behalf of the respondent to oppose this petition.

In view of the submissions made by learned counsel for the applicant, for the circumstances mentioned in the petition and keeping in view the decision of the Hon'ble Supreme Court in **Deepti Bhandari** (supra), petition is allowed. Petition under Section 9 of the Act pending in the Court of learned Addl. Civil Judge (Sr. Divn.), Malerkotla is ordered to be transferred to learned District Judge, Ludhiana, who may assign the same to the Court of learned Addl. Civil Judge (Sr. Divn.), Khanna where proceedings under Section 125 Cr.P.C. are pending between the parties. Learned Addl. Civil Judge (Sr. Divn.), Malerkotla, shall ensure that entire record of the case is sent to learned District Judge, Ludhiana. Concerned Court shall inform the counsel for the respondent regarding transfer of the case. The parties are directed to

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appear before the learned Addl. Civil Judge (Sr.Divn.), Khanna on
23.02.2016.

Disposed of.

02.02.2016

parveen kumar

(Paramjeet Singh Dhaliwal)
Judge