

In the High Court of Punjab and Haryana at Chandigarh

**T.A. No. 715 of 2015 (O&M)
Date of Decision: March 02, 2016**

Poonam Rajpal

... Applicant

Versus

Neeraj Kumar

... Respondent

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

Present: Mr. Sandeep Jasuja, Advocate,
for the applicant.

Mr. Ajay Pal Singh, 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, under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as the “Act”), filed by the respondent titled as “Neeraj Kumar vs. Poonam Rajpal”, pending in the Court of learned Addl. District Judge, Bathinda to the court of competent jurisdiction at Fazilka.

Learned counsel for the applicant contends that respondent-husband filed a petition under Section 13 of the Act for dissolution of marriage, which is pending before the learned Addl. District Judge, Bathinda. The applicant has a minor male child. She has no source of income. Learned counsel further contends that the applicant is residing at her parental house situated in District Fazilka and it is not convenient for

her to travel from Fazilka to Bathinda to defend proceedings instituted by the husband. Petition under Section 125 of the Code of Criminal Procedure, 1973 and application under the provisions of Protection of Women from Domestic Violence Act, 2005, filed by the applicant, are pending against the respondent at Abohar, District Fazilka. 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 Fazilka, than for the applicant to attend the same in Bathinda. Therefore, petition under Section 13 of the Act may be transferred to Fazilka.

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 Abohar, District Fazilka 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 13 of the Act filed by the respondent titled "Neeraj Kumar vs. Poonam Rajpal", pending in the Court of learned Addl. District Judge, Bathinda, is withdrawn and ordered to be transferred to learned District Judge, Fazilka, who may assign the same to the Court of competent jurisdiction there. Learned Addl. District Judge, Bathinda shall ensure that entire record of the case is sent to learned District Judge, Fazilka.

Parties are directed to appear before the Court of learned District Judge, Fazilka on 21.03.2016. Parties will be at liberty to make a request to the concerned courts for fixing all the afore-mentioned 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.

March 02, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge