

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 724 of 2015

Date of Decision: February 10, 2016

Pinki

... Applicant

Versus

Bijender

... Respondent

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

Present: Mr. H.P.S. Ishar, Advocate,
for the applicant.

Ms. Sharmila Sharma, 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 9 of the Hindu Marriage Act (hereinafter referred to as the “Act”) filed by the respondent titled as “Bijender vs. Pinki” (Annexure P/1), pending in the Court of learned Additional Civil Judge (Senior Division), Panipat to the court of competent jurisdiction at Yamuna Nagar.

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 9 of the Act for restitution of conjugal rights, which is pending before the learned Additional Civil Judge (Senior Division), Panipat. Learned counsel further contends that the

applicant is residing at her parental house situated in District Yamuna Nagar. She has no source of income and it is not convenient for her to travel from Yamuna Nagar to Panipat to defend proceedings instituted by the husband. Petitions under Section 125 of the Cr.P.C. and under Section 12 of the Protection of Women from Domestic Violence Act, filed by the applicant are pending before the learned District Courts, Yamuna Nagar. 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 Yamuna Nagar than for the applicant to attend the same in Panipat. Therefore, petition under Section 9 of the Act may be transferred to Yamuna Nagar.

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 and keeping in view the decision of Hon'ble Supreme Court in **Deepti Bhandari (supra)**, transfer application is allowed. Petition under Section 9 of the Act filed by the respondent titled "Bijender vs. Pinki", pending in the Court of learned Additional Civil Judge (Senior Division), Panipat, is withdrawn and ordered to be transferred to learned District Judge, Yamuna Nagar, who may assign the same to the Court of competent jurisdiction there. Learned Additional Civil Judge (Senior Division), Panipat, shall ensure that entire record of the case is sent to learned District Judge, Yamuna Nagar.

Parties through their counsel are directed to appear before the Court of learned District Judge, Yamuna Nagar on 29.02.2016. 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 afore-mentioned cases.

Disposed of.

February 10, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge