

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 728 of 2015

Date of Decision: February 27, 2016

Kavita Sharma

... Applicant

Versus

Vikas Chander

... Respondent

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

Present: Mr. Kiran Kumar, Advocate,
for the applicant.

None 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 bearing No. HMA/496/2015, under Section 13 of the Hindu Marriage Act (hereinafter referred to as the “Act”), filed by the respondent titled as “Vikas Chander vs. Kavita Sharma”, pending in the Court of learned Addl. District Judge, Hoshiarpur to the court of competent jurisdiction at Jalandhar.

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, Hoshiarpur. The applicant has one minor male child. Learned counsel further contends that the applicant is residing at her parental house situated in District Jalandhar and it is not convenient for her to travel from Jalandhar

to Hoshiarpur to defend proceedings instituted by the husband. Complaint under the provisions of Protection of Women from Domestic Violence Act, filed by the applicant, is pending against the respondent at Jalandhar. 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 Jalandhar, than for the applicant to attend the same in Hoshiarpur. Therefore, petition under Section 13 of the Act may be transferred to Jalandhar.

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, the circumstances mentioned in the application, pendency of other proceedings between the parties at Jalandhar 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 "Vikas Chander vs. Kavita Sharma", pending in the Court of learned Addl. District Judge, Hoshiarpur is withdrawn and ordered to be transferred to learned District Judge, Jalandhar, who may assign the same to the Court of competent jurisdiction there. Learned Addl. District Judge, Hoshiarpur shall ensure that entire record of the case is sent to learned District Judge, Jalandhar.

Parties are directed to appear before the Court of learned District Judge, Jalandhar on 21.03.2016. 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.

February 27, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge