

In the High Court of Punjab and Haryana at Chandigarh

**T.A. No. 730 of 2015
Date of Decision: March 02, 2016**

Nirmal

... Applicant

Versus

Sunil Kumar

... Respondent

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

Present: Mr. Harish Nain, Advocate,
for Mr. Jagjeet Beniwal, Advocate,
for the applicant.

Mr. Sanjay Vashisth, 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 “Sunil Kumar vs. Nirmal”, pending in the Court of learned District Judge, Family Court, Hisar to the court of competent jurisdiction at Bhiwani.

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 District Judge, Family Court, Hisar. The applicant has a minor daughter. Learned counsel further contends that the applicant is residing at her parental house situated in District

Bhiwani and it is not convenient for her to travel from Bhiwani to Hisar to defend proceedings instituted by the husband. Appeal against the judgment dated 27.05.2015 passed by the trial Court in FIR No. 164 dated 15.05.2012, under Sections 406, 498-A, 323, 506, 34 IPC, filed by the applicant, is pending against the respondent at Bhiwani. 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 Bhiwani, than for the applicant to attend the same in Hisar. Therefore, petition under Section 13 of the Act may be transferred to Bhiwani.

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 Bhiwani 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 "Sunil Kumar vs. Nirmal", pending in the Court of learned District Judge, Family Court, Hisar, is withdrawn and ordered to be transferred to learned District Judge, Bhiwani, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Family Court, Hisar shall ensure that entire record of the case is sent to learned District Judge, Bhiwani.

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

Disposed of.

March 02, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge