

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 733 of 2015

Date of Decision: February 24, 2016

Sareena Joshi

... Applicant

Versus

Pardeep Joshi

... Respondent

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

Present: Mr. Amardeep Singh Gill, Advocate,
for the applicant.

Mr. Ramneek Vasudeva, Advocate,
for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Written statement on behalf of the respondent filed in Court today, is taken on record.

Instant application has been filed under Section 24 of the Code of Civil Procedure for transfer of petition bearing HMA No. 177/2015 dated 29.07.2015, under Section 13 of the Hindu Marriage Act (hereinafter referred to as the "Act"), filed by the respondent titled as "Pardeep Joshi vs. Sareen Joshi", pending in the Court of learned District Judge, Rupnagar to the court of competent jurisdiction at Shaheed Bhagat Singh Nagar.

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, Rupnagar. The applicant has no source of income. Learned counsel further contends that

the applicant is residing at her parental house situated in District Shaheed Bhagat Singh Nagar and it is not convenient for her to travel from Shaheed Bhagat Singh Nagar to Rupnagar to defend proceedings instituted by the husband. Learned counsel further contends that applicant has already filed petition under Section 125 Cr.P.C. and petition under Section 9 of the Act which are pending at Shaheed Bhagat Singh 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 Shaheed Bhagat Singh Nagar than for the applicant to attend the same in Rupnagar. Therefore, petition under Section 13 of the Act may be transferred to Shaheed Bhagat Singh Nagar.

Per contra, learned counsel for the respondent vehemently opposes the contentions raised by learned counsel for the applicant.

Considering the facts that the applicant is resourceless and the convenience of the wife is to be seen, therefore, in my opinion, present application deserves to be allowed.

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 Shaheed Bhagat Singh Nagar 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 "Pardeep Joshi vs. Sareen Joshi", pending in the Court of learned District Judge,

Rupnagar is withdrawn and ordered to be transferred to learned District Judge, Shahdeed Bhagat Singh Nagar, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Rupnagar shall ensure that entire record of the case is sent to learned District Judge Shaheed Bhagat Singh Nagar.

Parties are directed to appear before the Court of learned District Judge Shaheed Bhagat Singh Nagar on 14.03.2016. Parties will be at liberty to make a request to the concerned courts for fixing all the aforementioned 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.

February 24, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge