

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 734 of 2015 (O&M)
Date of Decision: February 10, 2016

Lalita Devi and another

... Applicants

Versus

Tilak Raj

... Respondent

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

Present: None for the applicant.

Ms. Sonia S. Singh, 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 bearing HMA No. 348 dated 14.05.2015, under Section 9 of the Hindu Marriage Act (hereinafter referred to as the “Act”) filed by the respondent titled as “Tilak Raj vs. Lalita Devi and another”, pending in the Court of learned Additional District Judge, Ambala to the court of competent jurisdiction at Panchkula.

I have heard learned counsel for the respondent and perused the record.

Learned counsel for the respondent vehemently contended that the applicant is not required to appear on every date in the Court at Ambala.

Perusal of record reveals that respondent-husband filed a petition under Section 9 of the Act for restitution of conjugal rights, which is pending in the Court of learned Additional District Judge, Ambala. The applicant is residing at her parental house situated at Panchkula. The

applicant has one minor female child and it is not convenient for her to travel from Panchkula to Ambala to defend proceedings instituted by the husband. Petition under Section 125 of Cr.P.C. and petition under the provisions of Protection of Women from Domestic Violence Act, 2005 filed by the applicant, are pending against the respondent in the District Courts, Panchkula. In view of judgment of Hon'ble Supreme Court in **Deepti Bhandari vs. Nitin Bhandari and another, 2012 (1) R.C.R. (Civil) 506** it would be easier for the respondent-husband to attend the proceedings in Panchkula than for the applicant to attend the same in Ambala.

In view of above facts 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titled "Tilak Raj vs. Lalita Devi and another", pending in the Court of learned Additional District Judge, Ambala is withdrawn and ordered to be transferred to learned District Judge, Panchkula, who may assign the same to the Court of competent jurisdiction there. Learned Additional District Judge, Ambala shall ensure that entire record of the case is sent to learned District Judge, Panchkula.

Parties through their counsel are directed to appear before the learned District Judge, Panchkula on 29.02.2016. Since none appeared on behalf of the applicant, learned Additional District Judge, Ambala, is directed to inform the counsel for the applicant – Lalita Devi about the date of appearance before the learned District Judge, Panchkula.

Disposed of.

February 10, 2016

[Paramjeet Singh Dhaliwal]
Judge