

TA No.738 of 2015

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

TA No.738 of 2015

Date of decision: 29.01.2016

Sonia

....Applicant

Versus

Anil Kumar

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Rajan Bansal, Advocate, for the applicant.
Mr. Gaurav Sharma, Advocate, for the respondent.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant petition under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition under Section 9 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by respondent-husband from the Court at Ferozepur to the Court of competent jurisdiction at Bathinda.

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

Learned counsel for the applicant contended that respondent has filed a petition under Section 9 of the Act, which is pending in the Court of learned Additional Civil Judge (Senior Division), Ferozepur. Now applicant is residing with her mother and minor children at Bathinda. It is further contended that petitions under Section 125

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Cr.P.C. and Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the respondent-husband are pending at Bathinda. Learned counsel for the applicant relied upon the judgment of Hon'ble Supreme Court in ***Deepti Bhandari v. 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 Bathinda than for the applicant to attend the same in Ferozepur. Therefore, the case under Section 9 of the Act may be transferred to Bathinda.

I have considered the contentions raised by learned counsel for the parties.

In view of the submissions made by learned counsel for the applicant, for the circumstances mentioned in the petition and keeping in view the decision of the Hon'ble Supreme Court in ***Deepti Bhandari*** (supra), application is allowed. Petition under Section 9 of the Act pending in the Court of learned Additional Civil Judge (Senior Division), Ferozepur is ordered to be transferred to learned District Judge, Bathinda, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Ferozepur, shall ensure that entire record of the case is sent to learned District Judge, Bathinda. The parties are directed to appear before the learned District Judge, Bathinda on 23.02.2016.

Disposed of.

(Paramjeet Singh Dhaliwal)
Judge

January 29, 2016
R.S.