

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 746 of 2015

Date of Decision: February 09, 2016

Kamaljeet Kaur

... Applicant

Versus

Jagmeet Singh

... Respondent

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

Present: Mr. Kulbhushan Soi, Advocate,
for the applicant.

Mr. I.S. Mann, 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 filed under Section 9 of the Hindu Marriage Act (hereinafter referred to as the “Act”) titled as “Jagmeet Singh vs. Kamaljit Kaur”, pending in the Court of learned Chief Judicial Magistrate, Sri Muktsar Sahib to the Court of competent jurisdiction at Ferozepur.

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

Learned counsel for the applicant contends that respondent-husband filed a petition under Section 9 of the Act for restitution of conjugal rights. The applicant is residing at her parental house situated in Village Changali Qadim, Tehsil and District Ferozepur and it is not convenient for her to travel from Ferozepur to Sri Muktsar Sahib to defend

proceedings instituted by the husband. Petition under Section 13 of the Act filed by the applicant, is pending against the respondent in the District Court, Ferozepur. 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 Ferozepur than for the petitioner to attend the same in Sri Muktsar Sahib. Therefore, the petition under Section 9 of the Act may be transferred to Ferozepur.

Per contra, learned counsel for the respondent vehemently opposes the contentions raised by learned counsel for the applicant and contends that the applicant is not required to appear on every date in the Court at Sri Muktsar Sahib.

In view of the submissions made by learned counsel for the applicant and keeping in view the decision of Hon'ble Supreme Court in **Deepti Bhandari (supra)**, instant transfer application is allowed. Petition filed by the respondent titled "Jagmeet Singh vs. Kamaljit Kaur", pending in the Court of learned Chief Judicial Magistrate, Sri Muktsar Sahib, is withdrawn and ordered to be transferred to the court of competent jurisdiction at Ferozepur, who may assign the same to the Court of competent jurisdiction there. Learned Chief Judicial Magistrate, Sri Muktsar Sahib shall ensure that entire record of the case is sent to learned District Judge, Ferozepur, . The parties through their counsel are directed to appear before the learned District Judge, Ferozepur on 29.02.2016. Parties will be at liberty to make a request to the concerned courts for

fixing both the cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in both the cases.

January 09, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge