

In the High Court of Punjab and Haryana at Chandigarh

**T.A. No. 752 of 2015
Date of Decision: January 08, 2016**

Kamaljit Kaur

... Applicant

Versus

Jaswinder Singh

... Respondent

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

Present: Mr. Jagatpal Singh Banwait, Advocate,
for Mr. Sarju Puri, Advocate,
for the applicant.

None 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. 418 of 2015 titled as “Jaswinder Singh vs. Kamaljit Kaur”, pending in the Court of learned Civil Judge (Junior Division) Ludhiana to the Court of competent jurisdiction at S.B.S. Nagar.

I have heard learned counsel for the applicant.

Learned counsel for the applicant contends that respondent-husband filed a petition under the provisions of Hindu Marriage Act, which is pending before the learned Civil Judge (Junior Division), Ludhiana for appearance of the petitioner. The applicant has minor son and she has no source of income. Learned counsel further contends that petitioner was given beating by her husband. Learned counsel further contends that the applicant is residing with her parents at Rahon, District S.B.S. Nagar along with her minor son and it is not convenient for her to travel from S.B.S.

Nagar to Ludhana to defend proceedings instituted by the husband. Learned counsel further contends that applicant has already filed a petition under Section 125 Cr.P.C. for grant of maintenance against the respondent which is pending before the Family Court at Nawanshahar, District S.B.S. 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 Nawanshahar, District S.B.S. Nagar than for the petitioner to attend the same in Ludhiana. Therefore, the case bearing No. HMA No. 418 of 2015 titled "Jaswinder Singh vs. Kamaljit Kaur" may be transferred to Nawanshahar, District S.B.S. Nagar.

Despite service, none has appeared on behalf of the respondent to oppose this petition.

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 and keeping in view the decision of Hon'ble Supreme Court in **Deepti Bhandari (supra)**, request of the applicant is allowed. Petition filed by the respondent titled "Jaswinder Singh vs. Kamaljit Kaur", pending in the Court of learned Civil Judge (Junior Division), Ludhiana, is ordered to be transferred to the court of competent jurisdiction at S.B.S. Nagar. File shall be sent by the trial Court to the learned District Judge, S.B.S. Nagar, within two weeks from the date of receipt of certified copy of this order.

The learned District Judge, S.B.S. Nagar will entrust it to the court of

competent jurisdiction and the competent court shall proceed in accordance with law after giving notice to the parties.

Parties are directed to appear before the Court of learned District Judge, S.B.S. Nagar on 08.03.2016. Since none appeared on behalf of the respondent, Civil Judge (Junior Division), Ludhiana is directed to inform the counsel for the respondent – Jaswinder Singh about the date of appearance before the learned District Judge, S.B.S. Nagar.

January 08, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge