

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 758 of 2015
Date of Decision: February 15, 2016

Manisha

... Applicant

Versus

Sunil Kumar

... Respondent

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

Present: Mr. Lakhwinder Singh Mann, Advocate,
for the applicant.

Mr. Munish Puri, 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 under Section 9 of the Hindu Marriage Act (hereinafter referred to as the “Act”) filed by the respondent titled as “Sunil Kumar vs. Manisha”, pending in the Court of learned District Judge, Amritsar to the court of competent jurisdiction at Pathankot.

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, which is pending before the learned District Judge, Amritsar. Learned counsel further contends that the applicant is residing at her parental house situated in District Pathankot. She has no source of

income and it is not convenient for her to travel from Pathankot to Amritsar to defend proceedings instituted by the husband. Petition under Section 125 of the Code of Criminal Procedure filed by the applicant is pending at Pathankot. 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 Pathankot than for the applicant to attend the same in Amritsar. Therefore, petition under Section 9 of the Act may be transferred to Pathankot.

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

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 Pathankot 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 9 of the Act filed by the respondent titled "Sunil Kumar vs. Manisha", pending in the Court of learned District Judge, Amritsar is withdrawn and ordered to be transferred to learned District Judge, Pathankot, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Amritsar, shall ensure that entire record of the case is sent to learned District Judge, Pathankot.

Parties through their counsel are directed to appear before the Court of learned District Judge, Pathankot on 03.03.2016. 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.

Disposed of.

February 15, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge