

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 770 of 2015

Date of Decision: February 15, 2016

Parveen Kumari @ Monika Kumari

... Applicant

Versus

Kamal Sehgal

... Respondent

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

Present: Mr. Vikas Gupta, 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 No. 44 dated 05.08.2015, under Section 9 of the Hindu Marriage Act (hereinafter referred to as the “Act”), filed by the respondent titled as “Kamal Sehgal vs. Parveen Kumari”, pending in the Court of learned Civil Judge (Senior Division), Kapurthala to the court of competent jurisdiction at Patti, District Tarn Taran.

I have heard learned counsel for the applicant 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 Civil Judge (Senior Division), Kapurthala. The applicant has no source of income. Learned counsel further contends that the applicant is residing at her parental house

situated in District Tarn Taran and it is not convenient for her to travel from Tarn Taran to Kapurthala to defend proceedings instituted by the husband. Petition under Section 125 Cr.P.C. filed by the applicant, is pending against the respondent before the learned Chief Judicial Magistrate, Patti. 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 Patti than for the applicant to attend the same in Kapurthala. Therefore, petition under Section 9 of the Act may be transferred to Patti, District Tarn Taran.

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, the circumstances mentioned in the application, pendency of other proceedings between the parties at Patti, District Tarn Taran 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 “Kamal Sehgal vs. Parveen Kumari”, pending in the Court of learned Civil Judge (Senior Division), Kapurthala is withdrawn and ordered to be transferred to learned District Judge, Tarn Taran, who may assign the same to the Court

of competent jurisdiction at Patti. Learned Civil Judge (Senior Division), Kapurthala shall ensure that entire record of the case is sent to learned District Judge, Tarn Taran.

Parties are directed to appear before the Court of learned District Judge, Tarn Taran on 03.03.2016. Since none appeared on behalf of the respondent, learned Civil Judge (Senior Division), Kapurthala is directed to inform the counsel for the respondent – Kamal Sehgal about the date of appearance before the learned District Judge, Tarn Taran. Parties will be at liberty to make a request to the concerned courts for fixing both the afore-mentioned cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in both the aforementioned cases.

Disposed of.

February 15, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge