

TA No.776 of 2015

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

TA No.776 of 2015
Date of decision: 29.01.2016

Gagandeep Kaur

....Applicant

Versus

Shyam Singh

....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. Saurabh Kapoor, Advocate, for the applicant.

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 13 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by respondent-husband, from the Court at Patiala to the Court of competent jurisdiction at Ludhiana.

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

Learned counsel for the applicant contended that respondent has filed a petition under Section 13 of the Act at Patiala, which is pending in the Court of learned Additional District Judge, Patiala. Now

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applicant is residing with her parents at Ludhiana. It is further contended that petitions under Section 9 of the Act and 125 Cr.P.C. against the respondent-husband are pending at Ludhiana. Learned counsel for the petitioner 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 Ludhiana than for the petitioner to attend the same in Patiala. Therefore, the case under Section 13 of the Act may be transferred to Ludhiana.

As per report of the Registry, respondent has been served by way of affixation. Despite service, nobody put in appearance on behalf of the respondent.

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

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), petition is allowed. Petition under Section 13 of the Act pending in the Court of learned Additional District Judge, Patiala is ordered to be transferred to learned District Judge, Ludhiana, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Patiala, shall ensure that entire record of the case is sent to learned District Judge, Ludhiana. Concerned Court shall inform the

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counsel for the respondent regarding transfer of the case. The parties are directed to appear before the learned District Judge, Ludhiana on 23.02.2016.

Disposed of.

(Paramjeet Singh Dhaliwal)
Judge

January 29, 2016
R.S.