

**TA-777-2015**

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

**TA-777-2015**

**Date of Decision: 27.02.2016**

Harjit Kaur

... Petitioner(s)

Versus

Dharminder Singh and another

... Respondent(s)

**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. F.S.Virk, Advocate,  
for the applicant.

Mr. Arpan Sabharwal, 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 13 of the Hindu Marriage Act, 1955 (for brevity, 'the Act'), filed by respondent No.1, titled as 'Dharminder Singh vs. Harjit Kaur and another', pending in the Court of learned Additional District Judge, Ludhiana to the Court of competent jurisdiction at Patiala.

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

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Learned counsel for the applicant contends that respondent No.1-husband filed a petition under Section 13 of the Act for dissolution of marriage between the parties, which is pending before learned Addl. District Judge, Ludhiana. The applicant has no source of income. Learned counsel further contends that the applicant is residing at her parental house situated in Patiala and it is not convenient for her to travel from Patiala to Ludhiana to defend proceedings instituted by the husband. Learned counsel further contends that applicant has already filed petition under Sections 12(1), 17, 18, 19 and 20 of the Protection of Women from Domestic Violence Act, 2005 against respondent No.1 and his family members which is pending at Patiala. Learned counsel for the applicant relied upon a judgment of the 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 respondent No.1-husband to attend the proceedings in Patiala than for the applicant to attend the same in Ludhiana. Therefore, petition under Section 13 of the Act may be transferred to Patiala.

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

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

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applicant, the circumstances mentioned in the application, pendency of other proceedings between the parties at Patiala and keeping in view the decision of the Hon'ble Supreme Court in *Deepti Bhandari's (supra)*, this Court is of the view that it would be in the interest of the respondents as well that all proceedings are tried at one place as they will not be required to appear at different places on different dates. Accordingly, petition under Section 13 of the Act filed by respondent No.1, titled 'Dharminder Singh vs. Harjit Kaur and another', pending in the Court of learned Additional District Judge, Ludhiana is withdrawn and ordered to be transferred to learned District Judge, Patiala, who may assign the same to the Court of competent jurisdiction there. The transferor Court shall ensure that entire record of the case is sent to the transferee Court immediately. Parties through their counsel are directed to appear before the transferee court on 21.03.2016. Parties will be at liberty to make a request to the concerned courts for fixing all the aforementioned cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in all the aforementioned cases.

Disposed of.

**27.02.2016**  
**parveen kumar**

**(Paramjeet Singh Dhaliwal)**  
**Judge**