

TA No.778 of 2015

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

TA No.778 of 2015 (O&M)
Date of decision: 29.01.2016

Jaspreet Kaur

....Applicant

Versus

Kulwinder 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. M.S. Rattu, Advocate, for the applicant.
Mr. Jaideep Verma, Advocate, for the respondent.

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 9 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by respondent-husband from the Court at Ropar to the Court of competent jurisdiction at Kharar or SAS Nagar (Mohali).

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

Learned counsel for the applicant contended that respondent has filed a petition under Section 9 of the Act, which is pending in the Court of learned CJM Ropar. Now applicant is residing with her minor daughter at village Milkha, Police Station Mullanpur. It is further contended that petition under Section 125 Cr.P.C. against the

TA No.778 of 2015

respondent-husband is pending at Kharar. Learned counsel for the applicant 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 Kharar than for the applicant to attend the same in Ropar. Therefore, the case under Section 9 of the Act may be transferred to Kharar.

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

In view of the submissions made by learned counsel for the applicant, for the circumstances mentioned in the application and keeping in view the decision of the Hon'ble Supreme Court in ***Deepti Bhandari*** (supra), application is allowed. Petition under Section 9 of the Act pending in the Court of learned CJM, Ropar is ordered to be transferred to the Court of competent jurisdiction Kharar. Learned District Judge, Ropar, shall ensure that entire record of the case is sent to Kharar. Petitioner will be at liberty to make a prayer to learned District Judge to entrust the petition under Section 9 of the Act to the Court where other proceedings are pending. The parties are directed to appear before the concerned Court on 23.02.2016.

Disposed of.

(Paramjeet Singh Dhaliwal)
Judge

January 29, 2016
R.S.