

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 784 of 2015

Date of Decision: February 17, 2016

Barkha

... Applicant

Versus

Kimti Lal Verma

... Respondent

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

Present: Mr. Veneet Sharma, Advocate,
for the applicant.

Mr. Ritesh Pandey, 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 “Kimti Lal Verma vs. Barkha”, pending in the Court of learned Additional Civil Judge (Senior Division), Batala to the court of competent jurisdiction at Amritsar.

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 Addl. Civil Judge (Senior Division), Batala. Learned counsel further contends that the applicant is residing at her parental house situated in District Amritsar and it is not convenient for her to travel from Amritsar to Batala to defend

proceedings instituted by the husband. Learned counsel further contends that applicant has already filed petition under Section 125 Cr.P.C. and application under Section 12 of the Protection of Women from Domestic Violence Act, which are pending at Amritsar. 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 Amritsar than for the applicant to attend the same in Batala. Therefore, petition under Section 9 of the Act may be transferred to Amritsar.

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 Amritsar 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 "Kimti Lal Verma vs. Barkha", pending in the Court of learned Addl. Civil Judge (Senior Division), Batala, is withdrawn and ordered to be transferred to learned District Judge, Amritsar, who may assign the same to the Court of competent jurisdiction there. Learned Addl. Civil Judge (Senior Division), Batala shall ensure that entire record of the case is sent to learned District Judge, Amritsar.

Parties are directed to appear before the Court of learned

District Judge, Amritsar on 04.03.2016.

Disposed of.

February 17, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge