

TA-789-2015

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

TA-789-2015 (O & M)

Date of Decision: 27.01.2016

Jyoti

... Applicant (s)

Versus

Saurabh Bajaj

... 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. G.B.S.Dhillion, Advocate,
for the applicant.

Mr. J.S.Randhawa, Advocate,
for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition titled as 'Saurabh Bajaj vs. Jyoti', under Section 13 of the Hindu Marriage Act, 1955 (for short, 'the Act') filed by the respondent-husband for dissolution of marriage between the parties, from S.A.S.Nagar, Mohali to Ludhiana.

Reply filed on behalf of the respondent, in Court today, is taken on record.

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

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Learned counsel for the applicant contends that respondent has filed a petition under Section 13 of the Act for dissolution of marriage which is pending in the Court of learned Addl. Sessions Judge, SAS, Nagar, Mohali. The applicant along with her child is residing with her old parents at Ludhiana, which is approximately 100 kms away from S.A.S.Nagar, Mohali. It is further contended that petition under Section 125 Cr.P.C. against the respondent-husband is pending at Ludhiana. Learned counsel for the applicant relies upon the judgment of the Hon'ble Supreme Court in *Deepti Bhandari v. Nitin Bhandari and another*, 2012(1)R.C.R.(Civil) 506 and contends that it would be easier for the respondent-husband to attend the proceedings at Ludhiana than for the applicant to attend the same at S.A.S.Nagar. Therefore, the case under Section 13 of the Act may be transferred to Ludhiana.

Per contra, learned counsel for the respondent contends that proceedings in petition under Section 13 of the Act are civil in nature and presence of the applicant is not required in the petition under Section 13 of the Act on each and every date. The respondent is now not in a position to engage a new advocate at Ludhiana.

I have considered the rival contentions of learned counsel for the parties.

Admittedly, petition filed by the applicant under Section 125 Cr.P.C. is pending in the Court at Ludhiana. The applicant is residing along with her child at Ludhiana. Keeping in view the factum of pendency of petition under Section 125 Cr.P.C. between the parties at

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Ludhiana and the also the factum of parental house of the applicant at Ludhiana and keeping in view the decision of the Hon'ble Supreme Court in ***Deepti Bhandari*** (supra), application is allowed. Petition under Section 13 of the Act pending in the Court of learned Addl. Sessions Judge, SAS Nagar, Mohali is ordered to be transferred to learned District Judge, Ludhiana, who may assign the same to the Court of competent jurisdiction there. Learned Addl. Sessions Judge, SAS Nagar, Mohali, shall ensure that entire record of the case is sent to learned District Judge, Ludhiana. Concerned Court shall inform the counsel for the respondent regarding transfer of the case. The parties through their counsel are directed to appear before the learned District Judge, Ludhiana on 17.02.2016.

Disposed of.

27.01.2016

parveen kumar

(Paramjeet Singh Dhaliwal)
Judge