

TA No. 792 of 2015(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No. 792 of 2015(O&M)
Date of decision: 16.02.2016

Seema Khullar

....Applicant

Versus

Ravinder Khullar

....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. Mandeep Singh, Advocate for
Mr. Amit Dhawan, Advocate for the applicant.

Mr. Deepak Arora, 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 13 (1) (i) of the Hindu Marriage Act (for short 'the Act') titled '**Ravinder Khullar Vs. Seema Khullar**', filed by respondent-husband from the Court at Amritsar to the Court of competent jurisdiction at Jalandhar.

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

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

with her widow mother at Jalandhar. It is further contended that two petitions under Section 125 Cr.P.C. and under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the respondent-husband are pending at Jalandhar. 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 the applicant has no source of income and the distance between Amritsar and Jalandhar is 80 k.m. It would be easier for the respondent-husband as well to attend the proceedings in Jalandhar than for the applicant to attend the same in Amritsar. Therefore, the petition under Section 13 of the Act may be transferred to Jalandhar.

Per contra, learned counsel for the respondent vehemently opposes the contentions of learned counsel for the applicants and contended that presence of the applicant is not required on every date in the aforementioned suit pending in Amritsar.

In view of the submissions made by learned counsel for the applicant, for the circumstances mentioned in the application, pendency of other proceedings between the parties at Jalandhar and keeping in view the decision of the 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 13 of the Act pending in the Court of

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learned District Judge, Amritsar is withdrawn and ordered to be transferred to learned District Judge, Jalandhar, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Amritsar, shall ensure that entire record of the case is sent to learned District Judge, Jalandhar. The parties are directed to appear before the learned District Judge, Jalandhar on 03.03.2016.

Disposed of.

February 16, 2016
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(Paramjeet Singh Dhaliwal)
Judge