

In the High Court of Punjab and Haryana at Chandigarh

**T.A. No. 811 of 2015
Date of Decision: March 03, 2016**

Sarita

... Applicant

Versus

Ankush Dhiman

... Respondent

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

Present: Mr. Viney Kumar Malhotra, Advocate,
for Mr. Ashwani Gaur, Advocate.
for the applicant.

None for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application has been filed under Section 24 of the Code of Civil Procedure, 1908 for transfer of petition bearing HMA No. 145 of 2015, under Section 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as the “Act”), filed by the respondent titled as “Ankush Dhiman vs. Sarita”, pending in the Court of learned Civil Judge (Senior Division), Jagadhri to the court of competent jurisdiction at Sonapat.

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

instituted by the husband. Petition under Section 125 of the Code of Criminal Procedure, 1973 filed by the applicant, is pending against the respondent at Sonapat. 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 Jagadhri, than for the applicant to attend the same in Sonapat. Therefore, petition under Section 9 of the Act may be transferred to Sonapat.

Despite service, none has appeared on behalf of the respondent to oppose this petition.

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 Sonapat 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 "Ankush Dhiman vs. Sarita", pending in the Court of learned Civil Judge (Senior Division), Jagadhri is withdrawn and ordered to be transferred to learned District Judge, Sonapat, who may assign the same to the Court of competent jurisdiction there. Learned Civil Judge (Senior Division), Jagadhri shall ensure that entire record of the case is sent to learned District Judge, Sonapat.

Parties are directed to appear before the Court of learned District Judge, Sonapat on 22.03.2016. Since none appeared on behalf of the respondent, learned Civil Judge (Senior Division), Jagadhri, is directed

to inform the counsel for the respondent– Ankush Dhiman about the date of appearance before the learned District Judge, Sonapat.

Disposed of.

March 03, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge