

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 813 of 2015 (O&M)
Date of Decision: February 15, 2016

Anju Bala

... Applicant

Versus

Anish Raheja

... Respondent

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

Present: Mr. S.K. Arora, Advocate,
for the applicant.

Mr. Peeush Gagneja, 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 13 of the Hindu Marriage Act (hereinafter referred to as the “Act”) filed by the respondent titled as “Anish Raheja vs. Smt. Anju Bala”, pending in the Court of learned Additional District & Sessions Judge-4, Fazilka to the court of competent jurisdiction at Sri Muktsar Sahib.

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 13 of the Act for dissolution of marriage, which is pending before the learned Additional District & Sessions Judge-4, Fazilka. Learned counsel further contends that the

applicant is residing at her parental house situated in District Sri Muktsar Sahib and it is not convenient for her to travel from Sri Muktsar Sahib to Fazilka to defend proceedings instituted by the husband. Petition under Section 125 of the Code of Criminal Procedure filed by the applicant on behalf of her minor Child is pending at Sri Muktsar Sahib. 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 Sri Muktsar Sahib than for the applicant to attend the same in Fazilka. Therefore, petition under Section 13 of the Act may be transferred to Sri Muktsar Sahib.

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, for the circumstances mentioned in the application, pendency of other proceedings between the parties at Sri Muktsar Sahib 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 13 of the Act filed by the respondent titled “Anish Raheja vs. Smt. Anju Bala”, pending in the Court of learned Addl. District & Sessions Judge-4, Fazilka is withdrawn and ordered to be transferred to learned District Judge, Sri Muktsar Sahib, who may assign the same to the Court of competent jurisdiction there. Learned Addl. District Judge-4, Fazilka, shall ensure that entire record of the case is sent to learned District Judge, Sri

Muktsar Sahib.

Parties through their counsel are directed to appear before the Court of learned District Judge, Sri Muktsar Sahib on 03.03.2016. Parties will be at liberty to make a request to the concerned courts for fixing both the cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in both the cases.

Disposed of.

February 15, 2016

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**[Paramjeet Singh Dhaliwal]
Judge**