

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 814 of 2015

Date of Decision: February 15, 2016

Sonia

... Applicant

Versus

Manish Kumar

... Respondent

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

Present: Mr. Achin Gupta, 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 for transfer of petition under Section 13 of the Hindu Marriage Act (hereinafter referred to as the “Act”) filed by the respondent titled as “Manish Kumar vs. Sonia”, pending in the Court of learned District & Sessions Judge, Ferozepur to the court of competent jurisdiction at Faridkot.

I have heard learned counsel for the applicant 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 District & Sessions Judge, Ferozepur. The applicant has no source of income. Learned counsel further contends that the applicant is residing at her parental house situated in District Faridkot and it is not convenient for her to travel from Faridkot to

Ferozepur to defend proceedings instituted by the husband. Learned counsel further contends that the applicant has already filed a petition under Section 125 Cr.P.C. and an application under Section 12 of the Protection of Women from Domestic Violence Act, against the respondent which are pending at Faridkot. 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 Faridkot than for the applicant to attend the same in Ferozepur. Therefore, petition under Section 13 of the Act may be transferred to Faridkot.

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

Considering the facts that the applicant is resourceless and the convenience of the wife is to be seen, therefore, in my opinion, present application deserves to be allowed.

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 Faridkot 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 "Manish Kumar vs. Sonia", pending in the Court of learned District & Sessions Judge, Ferozepur is withdrawn and ordered to be transferred to learned District Judge, Faridkot, who may assign the same to the Court of competent jurisdiction there. Learned

District Judge, Ferozepur shall ensure that entire record of the case is sent to learned District Judge, Faridkot.

Parties are directed to appear before the Court of learned District Judge, Faridkot on 03.03.2016. Since none appeared on behalf of the respondent, learned District Judge, Ferozepur is directed to inform the counsel for the respondent – Manish Kumar about the date of appearance before the learned District Judge, Faridkot. Parties will be at liberty to make a request to the concerned courts for fixing all the cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in all the cases.

Disposed of.

February 15, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge