

In the High Court of Punjab and Haryana at Chandigarh

**T.A. No. 816 of 2015
Date of Decision: February 15, 2016**

Reena

... Applicant

Versus

Ravinder Kumar

... Respondent

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

Present: Mr. Ajit Sihag, 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(1)(ia)(ib) of the Hindu Marriage Act (hereinafter referred to as the “Act”) filed by the respondent titled as “Ravinder Kumar vs. Reena”, pending in the Court of learned District Judge, Family Court, Bhiwani to the court of competent jurisdiction at Gurgaon.

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(1)(ia)(ib) of the Act for dissolution of marriage, which is pending before the learned District Judge, Family Court, Bhiwani. The applicant has no source of income. Learned counsel further contends that the applicant is residing at her parental house situated in District Gurgaon and it is not convenient for her to travel from

Gurgaon to Bhiwani to defend proceedings instituted by the husband. Learned counsel further contends that applicant has already filed petition under the provisions of the Protection of Women from Domestic Violence Act, against the respondent which are pending before learned Sub Divisional Judicial Magistrate, Pataudi. 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 Gurgaon than for the applicant to attend the same in Bhiwani. Therefore, petition under Section 13(1)(1a)(1b) of the Act may be transferred to Gurgaon.

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 Pataudi, District Gurgaon 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(1)(1a)(1b) of the Act filed by the respondent titled “Ravinder Kumar vs. Reena”, pending in the Court of learned District Judge, Family Court, Bhiwani is withdrawn and ordered to be transferred to

learned District Judge, Gurgaon, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Bhiwani shall ensure that entire record of the case is sent to learned District Judge, Gurgaon.

Parties are directed to appear before the Court of learned District Judge, Gurgaon on 03.03.2016. Since none appeared on behalf of the respondent, learned District Judge, Bhiwani is directed to inform the counsel for the respondent – Ravinder Kumar about the date of appearance before the learned District Judge, Gurgaon. 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
vkd

[Paramjeet Singh Dhaliwal]
Judge