

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 822 of 2015

Date of Decision: February 12, 2016

Pooja

... Applicant

Versus

Amit Kashyap

... Respondent

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

Present: Mr. Kushaldeep S. Sandhu, Advocate,
for the applicant.

Mr. Amandeep Singh Meho, 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 bearing HMA No. 671 of 2015, under Section 13(1)(ia) & (iii) of the Hindu Marriage Act (hereinafter referred to as the “Act”) filed by the respondent titled as “Amit Kashyap Vs. Pooja”, pending in the Court of learned District Judge, Chandigarh to the court of competent jurisdiction at Ludhiana.

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(1)(ia) & (iii) of the Act for dissolution of marriage, which is pending before the learned District Judge, Chandigarh. Learned counsel further contends that the applicant is residing

at her parental house situated in District Ludhiana. She has no source of income and it is not convenient for her to travel from Ludhiana to Chandigarh to defend proceedings instituted by the husband. Petition under the provisions of Protection of Women from Domestic Violence Act and petition under Section 6 of the Hindu Minority and Guardianship Act and Sections 8, 12, & 25 of the Guardian & Wards Act, filed by the applicant is pending in District Courts, Ludhiana. 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 Ludhiana than for the applicant to attend the same in Chandigarh. Therefore, petition under Section 13(1)(ia) & (iii) of the Act may be transferred to Ludhiana.

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, the circumstances mentioned in the application, pendency of other proceedings between the parties at Ludhiana 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)(ia) & (iii) of the Act filed by the respondent titled "Amit Kashyap vs. Pooja", pending in the Court of learned District Judge, Chandigarh is withdrawn and ordered to be transferred to learned District Judge, Ludhiana, who may assign the same to the Court of competent jurisdiction

there. Learned District Judge, Chandigarh, shall ensure that entire record of the case is sent to learned District Judge, Ludhiana.

Parties through their counsel are directed to appear before the Court of learned District Judge, Ludhiana on 01.03.2016. Parties will be at liberty to make a request to the concerned courts for fixing all the aforementioned cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in all the aforementioned cases.

Disposed of.

February 12, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge