

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 823 of 2015

Date of Decision: February 12, 2016

Paramjit @ Rozy

... Applicant

Versus

Deepak Kumar @ Ghoga

... Respondent

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

Present: Mr. Ravi K. Mattoo, Advocate,
for the applicant.

None for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application has been filed under Section 24 read with Section 151 of the Code of Civil Procedure for transfer of petition under Section 9 of the Hindu Marriage Act (hereinafter referred to as the “Act”), filed by the respondent titled as “Deepak Kumar @ Ghoga vs. Paramjit Kaur @ Rozy”, pending in the Court of learned District Judge, Amritsar to the court of competent jurisdiction at Patiala.

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 9 of the Act for restitution of conjugal rights, which is pending before the learned District Judge, Amritsar. The applicant has no source of income. Learned counsel further

contends that the applicant is residing at her parental house situated in Rajpura, District Patiala and it is not convenient for her to travel from Rajpura to Amritsar to defend proceedings instituted by the husband. Petition under Section 125 Cr.P.C. seeking maintenance for herself as well as her child has been instituted at Patiala. Notice was served to the respondent, but he did not appear in the said proceedings. Vide order dated 04.10.2014, learned Judicial Magistrate Ist Class, Patiala, passed the ex-parte order and directed the respondent to pay the maintenance, but the respondent is not paying the maintenance. Thus, the applicant has also started proceedings under Section 128 of the Cr.P.C. for compliance of order dated 04.10.2014. 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 Patiala than for the applicant to attend the same in Amritsar. Therefore, petition under Section 9 of the Act may be transferred to Patiala.

As per report made by the Registry, notice issued to respondent has been served by way of affixation as his mother refused to accept the notice. The respondent is deemed to be served. None is present on his behalf.

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 Patiala 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 “Deepak Kumar @ Ghoga vs. Paramjit Kaur @ Rozy”, pending in the Court of learned District Judge, Amritsar is withdrawn and ordered to be transferred to learned District Judge, Patiala, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Amritsar shall ensure that entire record of the case is sent to learned District Judge, Patiala.

Parties are directed to appear before the Court of learned District Judge, Patiala on 01.03.2016. Since none appeared on behalf of the respondent, learned District Judge, Amritsar is directed to inform the counsel for the respondent – Deepak Kumar @ Ghoga about the date of appearance before the learned District Judge, Patiala.

Disposed of.

February 12, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge