

In the High Court of Punjab and Haryana at Chandigarh

**T.A. No. 825 of 2015 (O&M)
Date of Decision: February 25, 2016**

Surjit Kaur

... Applicant

Versus

Balwant Rai

... Respondent

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

Present: Mr. Gursimran Singh, Advocate,
for the applicant.

Mr. Satbir Rathore, 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 “Balwant Rai vs. Surjit Kaur”, pending in the Court of learned Addl. District Judge, Hoshiarpur to the court of competent jurisdiction at S.B.S. Nagar.

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 Addl. District Judge, Hoshiarpur. The applicant has one minor male child. She has no source of income. Learned counsel further contends that the applicant is residing at her parental house situated in District S.B.S. Nagar and it is not convenient

for her to travel from S.B.S. Nagar to Hoshiarpur to defend proceedings instituted by the husband. Petition under Section 125 Cr.P.C., filed by the applicant, is pending against the respondent at S.B.S. Nagar. 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 S.B.S. Nagar, than for the applicant to attend the same in Hoshiarpur. Therefore, petition under Section 13 of the Act may be transferred to S.B.S. Nagar.

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 S.B.S. Nagar 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 "Balwant Rai vs. Surjit Kaur", pending in the Court of learned Addl. District Judge, Hoshiarpur is withdrawn and ordered to be transferred to learned District Judge, S.B.S. Nagar, who may assign the same to the Court of competent jurisdiction there. Learned Addl. District Judge, Hoshiarpur shall ensure that entire record of the case is sent to learned District Judge, S.B.S. Nagar.

Parties are directed to appear before the Court of learned District Judge, S.B.S. Nagar on 15.03.2016. Parties will be at liberty to

make a request to the concerned courts for fixing both the afore-mentioned cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in both the aforementioned cases.

Disposed of.

February 25, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge