

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 834 of 2015

Date of Decision: February 23, 2016

Harpeet Kaur

... Applicant

Versus

Pawan Singh

... Respondent

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

Present: Mr. Tushant Deep Garg, Advocate,
for the applicant.

Mr. Dinesh Kumar, 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. 35/2015, under Section 9 of the Hindu Marriage Act (hereinafter referred to as the "Act"), filed by the respondent, titled as "Pawan Singh vs. Harpreet Kaur" pending in the Court of learned Addl. Civil Judge(Senior Division), Payal to the court of competent jurisdiction at Barnala.

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 9 of the Act for restitution of conjugal rights, which is pending before the learned Addl. Civil Judge

(Senior Division), Payal, a far away place from Barnala where the applicant is residing with her parents. The applicant has no source of income. Petition under Section 125 Cr.P.C., filed by the applicant, is pending against the respondent at Barnala. 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 Barnala than for the applicant to attend the same in Payal. Therefore, petition under Section 9 of the Act may be transferred to Barnala.

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 Barnala 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 "Pawan Singh vs. Harpreet Kaur", pending in the Court of learned Addl. Civil Judge (Senior Division), Payal is withdrawn and ordered to be transferred to learned District Judge, Barnala, who may assign the same to the Court of competent jurisdiction there. Learned Addl. Civil Judge (Senior Division), Payal shall ensure that entire record of the case is sent to learned District Judge, Barnala.

Parties are directed to appear before the Court of learned District Judge, Barnala on 14.03.2016. 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 23, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge