

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 845 of 2015

Date of Decision: February 11, 2016

Monika Rani @ Monika

... Applicant

Versus

Vishal Gulati

... Respondent

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

Present: Mr. Achin Gupta, 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 9 of the Hindu Marriage Act (hereinafter referred to as the “Act”), filed by the respondent titled as “Vishal Gulati vs. Monika Rani”, pending in the Court of learned Civil Judge (Senior Division), Ferozepur to the court of competent jurisdiction at Faridkot.

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 Civil Judge (Senior Division), Ferozepur. The applicant has no source of income. Learned counsel further contends that the applicant is residing at her parental house situated in District Faridkot and it is not convenient for her to travel from

Faridkot to Ferozepur to defend proceedings instituted by the husband. Petition under Section 125 Cr.P.C. and application under Section 12 of the Protection of Women from Domestic Violence Act, filed by the applicant, are pending against the respondent in the District Courts, Faridkot. 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 Faridkot than for the applicant to attend the same in Ferozepur. Therefore, petition under Section 9 of the Act may be transferred to Faridkot.

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 Faridkot 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 "Vishal Gulati vs. Monika Rani", pending in the Court of learned Civil Judge (Senior Division), Ferozepur is withdrawn and ordered to be transferred to learned District Judge, Faridkot, who may assign the same to the Court of competent jurisdiction there.

Learned Civil Judge (Senior Division), Ferozepur shall ensure that entire record of the case is sent to learned District Judge, Faridkot.

Parties are directed to appear before the Court of learned District Judge, Faridkot on 01.03.2016. Since none appeared on behalf of the respondent, learned Civil Judge (Senior Division), Ferozepur is directed to inform the counsel for the respondent – Vishal Gulati about the date of appearance before the learned District Judge, Faridkot. 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 11, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge