

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 847 of 2015 (O&M)
Date of Decision: February 15, 2016

Harpreet Kaur

... Applicant

Versus

Virender Singh

... Respondent

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

Present: Mr. Harish Nain, Advocate,
for Mr. Namit Khurana, Advocate,
for the applicant.

Mr. Dhruv Gupta, Advocate,
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 bearing HMA/154/2015, under Section 13 of the Hindu Marriage Act (hereinafter referred to as the “Act”) filed by the respondent titled as “Virender Singh vs. Harpreet Kaur”, pending in the Court of learned Additional District Judge, Kaithal to the court of competent jurisdiction at Karnal.

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 of the Act for dissolution of marriage, which is pending before the learned Additional District Judge,

Kaithal. Learned counsel further contends that the applicant is residing at her parental house situated in District Karnal. She has no source of income and it is not convenient for her to travel from Karnal to Kaithal to defend proceedings instituted by the husband. Petition under Section 12 of the Protection of Women from Domestic Violence Act filed by the applicant is pending at Karnal. 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 Karnal than for the applicant to attend the same in Kaithal. Therefore, petition under Section 13 of the Act may be transferred to Karnal.

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, for the circumstances mentioned in the application, pendency of other proceedings between the parties at Karnal 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 "Virender Singh vs. Harpreet Kaur", pending in the Court of learned Addl. District Judge, Kaithal is withdrawn and ordered to be transferred to learned District Judge, Karnal, who may assign the same to the Court of competent jurisdiction there. Learned Addl. District Judge, Kaithal, shall ensure that entire record of the case is sent to learned District Judge, Karnal.

Parties through their counsel are directed to appear before the Court of learned District Judge, Karnal on 03.03.2016. Parties will be at liberty to make a request to the concerned courts for fixing both the cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in both the cases.

Disposed of.

February 15, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge