

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 848 of 2015
Date of Decision: February 16, 2016

Jagatvir Kaur

... Applicant

Versus

Deepinder Singh

... Respondent

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

Present: Mr. H.P.S.Ghuman, 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 pending in the Court of learned Civil Judge (Senior Division), Mansa to the court of competent jurisdiction at Nabha.

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), Mansa, a far away place from Nabha where the applicant is residing with her parents. Petition under Section 125 Cr.P.C., filed by the

applicant, is pending against the respondent at Nabha, District Patiala. 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 Nabha than for the applicant to attend the same in Mansa. Therefore, petition under Section 9 of the Act may be transferred to Nabha.

Despite service, neither the respondent nor his counsel has appeared to oppose this 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 Nabha 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, transfer application is allowed. Petition under Section 9 of the Act filed by the respondent, pending in the Court of learned Civil Judge (Senior Division), Mansa is withdrawn and ordered to be transferred to learned District Judge, Patiala, who may assign the same to the Court of competent jurisdiction at Nabha. Learned Civil Judge (Senior Division), Mansa 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 03.03.2016. Since none appeared on behalf of the respondent, learned Civil Judge (Senior Division), Mansa is directed to inform the counsel for the respondent – Deepinder Singh about the date of

appearance before the learned District Judge, Patiala. Parties will be at liberty to make a request to the concerned courts for fixing both the aforementioned 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 16, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge