

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 849 of 2015

Date of Decision: February 16, 2016

Reema

... Applicant

Versus

Deepak Mehta

... Respondent

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

Present: Mr. Vikas Gupta, Advocate,
for Ashish Aggarwal, 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 bearing No. HMA/542/2015, under Section 9 of the Hindu Marriage Act (hereinafter referred to as the “Act”), filed by the respondent titled as “Deepak Mehta vs. Reema”, pending in the Court of learned Civil Judge (Junior Division), Ludhiana to the court of competent jurisdiction at Amritsar.

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 (Junior Division), Ludhiana, a far away place from Amritsar 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 Amritsar. 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 Amritsar than for the applicant to attend the same in Ludhiana. Therefore, petition under Section 9 of the Act may be transferred to Amritsar.

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, the circumstances mentioned in the application, pendency of other proceedings between the parties at Amritsar 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9 of the Act filed by the respondent, pending in the Court of learned Civil Judge (Junior Division), Ludhiana is withdrawn and ordered to be transferred to learned District Judge, Amritsar, who may assign the same to the Court of competent jurisdiction there. Learned Civil Judge (Junior Division), Ludhiana shall ensure that entire record of the case is sent to learned District Judge, Amritsar.

Parties are directed to appear before the Court of learned District Judge, Amritsar on 03.03.2016. Since none appeared on behalf of the respondent, learned Civil Judge (Junior Division), Ludhiana is directed to inform the counsel for the respondent – Deepak Mehta about the date of appearance before the learned District Judge, Amritsar. 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