

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 877 of 2015 (O&M)
Date of Decision: February 17, 2016

Harwinder Kaur

... Applicant

Versus

Gurjinder Singh

... Respondent

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

Present: Mr. Ankit Aggarwal, Advocate,
for the applicant.

Mr. Sameer Rathore, 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 under Section 9 of the Hindu Marriage Act (hereinafter referred to as the "Act") filed by the respondent, titled "Gurjinder Singh vs. Harwinder Kaur, pending in the Court of learned Civil Judge (Junior Division), Chandigarh to the court of competent jurisdiction at Jagadhri.

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 Civil Judge (Junior Division), Chandigarh. The applicant has no source of income. Learned counsel further contends that the applicant is residing at her parental house situated in District Yamuna Nagar. She is having three months old child and

it is not convenient for her to travel from Yamuna Nagar to Chandigarh to defend proceedings instituted by the husband. Learned counsel further contends that applicant has already filed petition under Section 12 of the Protection of Women from Domestic Violence Act, which is pending at Jagadhri. 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 Jagadhri than for the applicant to attend the same in Chandigarh. Therefore, petition under Section 9 of the Act may be transferred to Jagadhri, District Yamuna Nagar.

Per contra, learned counsel for the respondent vehemently opposes the contentions raised by learned counsel for the applicant.

Considering the facts that the applicant is resourceless and is having three months old child 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 Jagadhri 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 "Gurjinder Singh vs. Harwinder Kaur", pending in the Court of learned Civil Judge (Junior Division), Chandigarh, is withdrawn and ordered to be transferred to learned District Judge, Jagadhri, who may assign the same to the Court of competent jurisdiction

there. Learned Civil Judge (Junior Division), Chandigarh shall ensure that entire record of the case is sent to learned District Judge, Jagadhri.

Parties are directed to appear before the Court of learned District Judge, Jagadhri on 04.03.2016.

Disposed of.

February 17, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge