

TA No.878 of 2015

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

TA No.878 of 2015
Date of decision: 24.02.2016

Nikki

....Applicant

Versus

Vijay Parkash

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Dishant D. Tuteja, Advocate, for the applicant.
Mr. Sudhir Hooda, Advocate, for the respondent.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant application under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition under Section 9 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by respondent-husband from the Court at Sonapat to the Court of competent jurisdiction at Rohtak.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the applicant contended that respondent has filed a petition under Section 9 of the Act, which is pending in the Court of learned District Judge (Family Court), Sonapat. Now applicant is residing with her sister at Rohtak. It is further contended that between the parties, petition under Section 13 of the Act is pending at Rohtak.

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Learned counsel for the applicant relied upon the judgment of Hon'ble Supreme Court in ***Deepti Bhandari v. 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 Rohtak than for the applicant to attend the same in Sonapat. Therefore, the case under Section 9 of the Act may be transferred to Rohtak.

Per contra, learned counsel for the respondent contends that proceedings in petition under Section 9 of the Act are civil in nature and presence of the applicant is not required in the petition under Section 9 of the Act on each and every date.

I have considered the contentions raised by learned counsel for the parties.

In view of the submissions made by learned counsel for the applicant, the circumstances mentioned in the petition, keeping in view the decision of the Hon'ble Supreme Court in ***Deepti Bhandari v. Nitin Bhandari and another, 2012(1)R.C.R.(Civil) 506*** and having regard to the nature of the dispute involved in both the cases, it is highly expedient that the cases are heard by the same Court. It will not only be convenient for the applicant but also 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 pending in the Court of learned District Judge (Family Court), Sonapat, is ordered to be withdrawn and transferred to learned District Judge, Rohtak, who may assign the same

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to the court of competent jurisdiction there. Learned District Judge, Sonapat shall ensure that entire record of the case is sent to learned District Judge, Rohtak. The parties are directed to appear before learned District Judge, Rohtak on 15.03.2016.

Disposed of.

(Paramjeet Singh Dhaliwal)
Judge

February 24, 2016
R.S.