

TA No.953 of 2015

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

TA No.953 of 2015

Date of decision: 02.03.2016

Maninder Kaur

....Applicant

Versus

Sandeep Singh

....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. P.K.S. Phoolka, Advocate, for the applicant.
Respondent in person.

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 13 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by respondent-husband from the Court at Ludhiana to the Court of competent jurisdiction at Bathinda.

I have heard learned counsel for the applicant and respondent in person and perused the record.

Learned counsel for the applicant contended that respondent has filed a petition under Section 13 of the Act, which is pending in the Court of learned Additional District Judge, Ludhiana. Now applicant is residing with her mother at Bathinda. It is further contended that between the parties, application under Section 125 Cr.P.C. is pending at

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Bathinda. 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 at Bathinda than for the applicant to attend the same at Ludhiana. Therefore, the case under Section 13 of the Act may be transferred to Bathinda.

Per contra, respondent contends that proceedings in petition under Section 13 of the Act are civil in nature and presence of the applicant is not required in the petition under Section 13 of the Act on each and every date.

I have considered the contentions raised by learned counsel for the applicant and respondent in person.

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 13 of the Act pending in the Court of learned Additional District Judge, Ludhiana, is ordered to be withdrawn and transferred to learned District Judge, Bathinda, who may assign the same

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to the court of competent jurisdiction there. Learned District Judge, Ludhiana shall ensure that entire record of the case is sent to learned District Judge, Bathinda. The parties are directed to appear before learned District Judge, Bathinda on 21.03.2016.

Disposed of.

(Paramjeet Singh Dhaliwal)
Judge

March 02, 2016
R.S.