

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 961 of 2015
Date of Decision: February 25, 2016

Babita

... Applicant

Versus

Pardeep Sharma

... Respondent

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

Present: Ms. Meenakshi Singh, Advocate,
for Mr. Sunil Kumar Bhardwaj, Advocate,
for the applicant.

Mr. Lajpat Sharma, Advocate,
for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application has been filed under Section 24 read with Section 151 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 as “Pardeep Sharma vs. Babita”, pending in the Court of learned Civil Judge (Junior Division), Chandigarh to the court of competent jurisdiction at Jind.

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 one minor male child. She has no source of income. Learned counsel further contends that the applicant is

residing at her parental house situated in District Jind and it is not convenient for her to travel from Jind to Chandigarh to defend proceedings instituted by the husband. Petition under Section 125 Cr.P.C. and application under Section 12 of the Protection of Women from Domestic Violence Act, filed by the applicant, are pending against the respondent at Jind. 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 Jind, than for the applicant to attend the same in Chandigarh. Therefore, petition under Section 9 of the Act may be transferred to Jind.

Per contra, learned counsel for the respondent vehemently opposes the contentions raised by learned counsel for the 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 Jind 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 "Pardeep Sharma vs. Babita", pending in the Court of learned Civil Judge (Junior Division), Chandigarh is withdrawn and ordered to be transferred to learned District Judge, Jind, 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, Jind.

Parties are directed to appear before the Court of learned District Judge, Jind on 15.03.2016. Parties will be at liberty to make a request to the concerned courts for fixing all the afore-mentioned cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in all the aforementioned cases.

Disposed of.

February 25, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge