

TA No. 978 of 2015(O&M)

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

TA No. 978 of 2015(O&M)
Date of decision: 08.02.2016

Seema
Versus
....Applicant

Anil Kumar
....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. Arvind Kumar Yadav, Advocate for
Mr. Bikram Chaudhary, Advocate for the applicant.

None for the respondent.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant petition under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition under Section 13 of the Hindu Marriage Act (for short 'the Act') titled '**Anil Kumar Vs. Seema**', filed by respondent-husband from the Court at Panchkula to the Court of competent jurisdiction at Ludhiana.

I have heard learned counsel for the applicant 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 District Judge, Panchkula. Now applicant is residing

with her mother and brother at Ludhiana. It is further contended that two petitions under Section 125 Cr.P.C. and under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the respondent-husband are pending at Ludhiana. 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 the distance between Panchkula and Ludhiana is 150 k.m. and it would be easier for the respondent-husband to attend the proceedings in Ludhiana than for the applicant to attend the same in Panchkula. Therefore, the case under Section 13 of the Act may be transferred to Sonipat.

None has appeared on behalf of the respondent despite a pass over.

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

In view of the submissions made by learned counsel for the applicant, for the circumstances mentioned in the petition and keeping in view the decision of the Hon'ble Supreme Court in **Deepti Bhandari** (supra), application is allowed. Petition under Section 13 of the Act pending in the Court of learned District Judge, Panchkula is ordered to be transferred to learned District Judge, Ludhiana, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Panchkula, shall ensure that entire record of the case is sent to learned

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District Judge, Ludhiana. The parties are directed to appear before the learned District Judge, Ludhiana on 25.02.2016.

Disposed of.

February 08, 2016
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(Paramjeet Singh Dhaliwal)
Judge