

In the High Court of Punjab and Haryana at Chandigarh

**T.A. No. 278 of 2014 (O&M)
Date of Decision: March 01, 2016**

Manjit Kaur @ Bholi

... Applicant

Versus

Balbir Singh

... Respondent

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

Present: Mr. Gobind Korla, Advocate,
for Mr. Sandeep K. Sharma, Advocate,
for the applicant.

Mr. H.S. Jaswal, 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 “Balbir Singh vs. Manjit Kaur @ Bholi”, pending in the Court of learned Addl. Civil Judge (Senior Division), Tarn Taran to the court of competent jurisdiction at Jalandhar.

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 Addl. Civil Judge (Senior Division), Tarn Taran. The applicant has no source of income.

Learned counsel further contends that the applicant is residing at her

parental house situated in District Jalandhar and it is not convenient for her to travel from Jalandhar to Tarn Taran to defend proceedings instituted by the husband. Petition under Section 125 Cr.P.C., filed by the applicant, is pending against the respondent at Jalandhar. 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 Jalandhar, than for the applicant to attend the same in Tarn Taran. Therefore, petition under Section 9 of the Act may be transferred to Jalandhar.

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 Jalandhar 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 "Balbir Singh vs. Manjit Kaur @ Bholi", pending in the Court of learned Addl. Civil Judge (Senior Division), Tarn Taran is withdrawn and ordered to be transferred to learned District Judge, Jalandhar, who may assign the same to the Court of competent jurisdiction there. Learned Addl. Civil Judge (Senior Division), Tarn Taran shall ensure that entire record of the case is sent to learned District Judge, Jalandhar.

Parties are directed to appear before the Court of learned District Judge, Jalandhar on 21.03.2016. Parties will be at liberty to make a request to the concerned courts for fixing both the afore-mentioned cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in both the aforementioned cases.

Disposed of.

March 01, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge