

TA No. 523 of 2014(O&M)

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

**TA No. 523 of 2014(O&M)
Date of decision: 10.02.2016**

Vonisha Arora

....Applicant

Versus

Rajan 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. Vishal Satija, Advocate for
Mr. Vivek K. Thakur, 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 9 of the Hindu Marriage Act (for short 'the Act') titled '**Rajan Kumar Vs. Vonisha Arora**', filed by respondent-husband from the Court at Ludhiana to the Court of competent jurisdiction at Kapurthala.

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

Learned counsel for the applicant contended that respondent has filed petition under Section 9 of the Act, which is pending in the Court in Ludhiana. Now applicant is residing with her male child at

Kapurthala. It is further contended that a petition under Section 125 Cr.P.C. and a criminal case bearing FIR No. 257, dated 06.10.2014, under Sections 406, 498-A IPC, Police Station City, Kapurthala against the respondent-husband are pending at Kapurthala. 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 applicant has one male child and has no source of income. Moreover, the distance between Ludhiana and Kapurthala is 90 k.m. It would be easier for the respondent-husband as well to attend the proceedings in Kapurthala than for the applicant to attend the same in Ludhiana. Therefore, the petition under Section 9 of the Act may be transferred to Kapurthala.

Despite service, none has appeared on behalf of the respondent.

I have considered 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 petition and keeping in view the decision of the Hon'ble Supreme Court in ***Deepti Bhandari*** (supra), application is allowed. Petition under Section 9 of the Act pending in the Court at Ludhiana is withdrawn and ordered to be transferred to learned District Judge, Kapurthala, who may assign the same to the Court of competent jurisdiction there. Learned District Judge,

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Ludhiana, shall ensure that entire record of the case is sent to learned District Judge, Kapurthala. The parties are directed to appear before the learned District Judge, Kapurthala on 27.02.2016.

Disposed of.

February 10, 2016
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(Paramjeet Singh Dhaliwal)
Judge