

TA No. 526 of 2014(O&M)

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No. 526 of 2014(O&M)
Date of decision: 17.02.2016

Harjinder Kaur

....Applicant

Versus

Jarnail 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. D.S. Randhawa, Advocate for the applicant.

Ms. Neha Sharma, Advocate 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 '**Jarnail Singh Vs. Harjinder Kaur**', filed by respondent-husband from the Court at Anandpur Sahib to the Court of competent jurisdiction at Ludhiana.

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

Learned counsel for the applicant contended that respondent has filed petition under Section 13 of the Act, which is pending in the Court of learned Additional Civil Judge (Senior Division) (Exercising the powers of District Judge), Anandpur Sahib. Now applicant along

with her two minor sons is residing with her father 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 applicant has no source of income and the distance between Anandpur Sahib and Ludhiana is 120 k.m. Moreover, the respondent is a Govt. employee working as Helper in Ludhiana Diesel Shed Northern Railway Ludhiana, District Ludhiana. Therefore, it would be easier for the respondent-husband as well to attend the proceedings at Ludhiana than to attend the same in Anandpur Sahib. Therefore, the petition under Section 9 of the Act may be transferred to Ludhiana.

Per contra, learned counsel for the respondent vehemently opposes the contentions of learned counsel for the applicant and contended that presence of the applicant is not required on every date in the aforementioned suit pending in Anandpur Sahib. Counsel further contended that the respondent is a blind person and has produced photocopy of Disability Certificate in which, disability of the respondent is shown as 100%.

In view of the submissions made by learned counsel for the applicant, for the circumstances mentioned in the application, pendency of other proceedings between the parties at Ludhiana and keeping in

view the decision of the Hon'ble Supreme Court in ***Deepti Bhandari*** (supra), this Court is of the view that respondent being a blind person, who is serving at Ludhiana, it would rather be in his interest as well that all proceedings are tried at one place as he would have to attend the cases at one place instead of different places on different dates. Keeping in view the peculiar circumstances of the case and the low vision of the respondent, petition under Section 9 of the Act pending in the Court of learned Additional Civil Judge (Senior Division) (exercising the powers of District Judge), Anandpur Sahib is withdrawn and ordered to be transferred to learned District Judge, Ludhiana, who may assign the same to the Court of competent jurisdiction there. Learned Additional Civil Judge (Senior Division) (exercising the powers of District Judge), Anandpur Sahib, shall ensure that entire record of the case is sent to learned District Judge, Ludhiana. The concerned Court shall also ensure that one date is given in all the cases. Keeping in view the fact that the parties have two small children, the concerned Court in Ludhiana shall make endeavour to send the matter to the Mediation Centre so that parties may settle in their life. The parties are directed to appear before the learned District Judge, Ludhiana on 02.03.2016.

Disposed of.

February 17, 2016
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(Paramjeet Singh Dhaliwal)
Judge