

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 687 of 2014

Date of Decision: February 24, 2016

Jaswinder Kaur

... Applicant

Versus

Sarabjit Singh

... Respondent

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

Present: Mr. D.S.Gurna, Advocate,
for the applicant.

Mr. Munish Behl, Advocate,
for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application has been filed under Section 24 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 “Sarabjit Singh vs. Jaswinder Kaur”, pending in the Court of learned Addl. Civil Judge (Senior Division), Nabha to the court of competent jurisdiction at Payal, District Ludhiana.

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), Nabha. The applicant has no source of income. Learned counsel further contends that the applicant is residing at her parental house situated in District Ludhiana and it is not convenient for her to travel from

Payal to Nabha to defend proceedings instituted by the husband. Learned counsel further contends that applicant has already filed petition under Section 125 Cr.P.C. and application under the provisions of Protection of Women from Domestic Violence Act, against the respondent which are pending at Payal. 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 Payal, District Ludhiana than for the applicant to attend the same in Nabha, District Patiala. Therefore, petition under Section 9 of the Act may be transferred to Payal, District Ludhiana.

Per contra, learned counsel for the respondent vehemently opposes the contentions raised by learned counsel for the applicant.

Considering the facts that the applicant is resourceless and the convenience of the wife is to be seen, therefore, in my opinion, present application deserves to be allowed.

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 Payal 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 "Sarabjit Singh vs. Jaswinder Kaur", pending in the Court of learned Addl. Civil Judge (Senior Division), Nabha is withdrawn and ordered to be transferred to learned Addl. Civil Judge

(Senior Division), Payal, who may assign the same to the Court of competent jurisdiction there. Learned Addl. Civil Judge (Senior Division), Nabha shall ensure that entire record of the case is sent to learned Addl. Civil Judge (Senior Division), Payal.

Parties are directed to appear before the Court of learned Addl. Civil Judge (Senior Division), Payal on 14.03.2016. Parties will be at liberty to make a request to the concerned courts for fixing all the aforementioned 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 24, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge