

TA No. 736 of 2014

1

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

TA No. 736 of 2014

Date of decision: 19.02.2016

Mamta

....Applicant

Versus

Vijay 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. J.B.S. Gill, Advocate for the applicant.

Mr. Vijay 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 '**Vijay Kumar Vs. Mamta**', filed by respondent-husband from the Court at Shaheed Bhagat Singh Nagar to the Court of competent jurisdiction at Hoshiarpur.

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 9 of the Act, which is pending in the Court of learned Additional Civil Judge (Senior Division), Shaheed

Bhagat Singh Nagar. Now applicant is residing with her parents at Hoshiarpur. It is further contended that a petition under Section 125 Cr.P.C. and a complaint under Section 12 of Protection of Women from Domestic Violence Act against the respondent-husband are pending at Hoshiarpur. 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 there is an apprehension of her life at the hands of the respondent and his family members. It would be easier for the respondent-husband as well to attend the proceedings in Hoshiarpur than for the applicant to attend the same in Shaheed Bhagat Singh Nagar. Therefore, the petition under Section 9 of the Act may be transferred to Hoshiarpur.

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 Shaheed Bhagat Singh Nagar.

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 Hoshiarpur and keeping in view the decision of the 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 pending in the Court of learned Additional Civil Judge (Senior Division), Shaheed Bhagat Singh Nagar is withdrawn and ordered to be transferred to learned District Judge, Hoshiarpur, who may assign the same to the Court of competent jurisdiction there. Learned Additional Civil Judge (Senior Division), Shaheed Bhagat Singh Nagar, shall ensure that entire record of the case is sent to learned District Judge, Hoshiarpur. The parties are directed to appear before the learned District Judge, Hoshiarpur on 08.03.2016. The concerned Court shall ensure that one date is given in all the cases.

Disposed of.

February 19, 2016
kanchan

(Paramjeet Singh Dhaliwal)
Judge