

TA No. 97 of 2014

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No. 97 of 2014

Date of Decision : 29.01.2016

Mamta Rani

...Applicant

Versus

Jaswinder Singh and another

...Respondents

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. Karan Singh, Advocate for the applicant.

Mr. Kashmir Singh, Advocate and
Mr. K.K. Chaudhary, Advocate for respondent No. 1.

Paramjeet Singh Dhaliwal, J.(Oral)

Instant petition under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition titled 'Jaswinder Singh Vs. Mamta Devi and another' under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') for dissolution of marriage between the parties filed by respondent No. 1-husband, from Yamunanagar at Jagadhari to Panchkula.

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

Learned counsel for the applicant contended that respondent No. 1 has filed a petition under Section 13 of the Act at Yamunanagar, Jgadhri, which is pending in the Court of learned District Judge, Yamunanagar, Jgadhri. Now applicant is residing with her old parents and two minor sons at Panchkula, which is approximately 90 kms away from Yamunanagar. It is further contended that two petitions under Section 125 Cr.P.C. and under Section 12 of Domestic Violence Act against the respondent No. 1-husband are pending at Panchkula. 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 it would be easier for the respondent No. 1-husband to attend the proceedings in Panchkula than for the applicant to attend the same in Yamunanagar at Jgadhri. Therefore, the case under Section 13 of the Act may be transferred to Panchkula.

Learned counsel appearing on behalf of respondent No. 1 vehemently opposed the application.

I have considered the contentions raised by learned counsel for the parties.

In view of the submissions made by learned counsel for the applicant, for the circumstances mentioned in the petition and keeping in view the decision of the Hon'ble Supreme Court in *Deepti Bhandari* (supra), the present

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application is allowed. Petition under Section 13 of the Act pending in the Court of learned District Judge, Yamunanagar at Jgadhri is ordered to be transferred to learned District Judge, Panchkula, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Yamunanagar, shall ensure that entire record of the case is sent to learned District Judge, Panchkula. The parties are directed to appear before the learned District Judge, Panchkula on 17.02.2016.

Disposed of.

January 29, 2016.
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(PARAMJEET SINGH DHALIWAL)
JUDGE