

Neelam Rani Vs. Surinder Kumar

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Court : Punjab and Haryana

Decided On : Oct-04-1989

Reported in : I(1990)DMC218

Judge : J.V. Gupta, J.

Acts : [Code of Civil Procedure \(CPC\) , 1908](#) - Sections 24; [Hindu Marriage Act, 1955](#) - Sections 9

Appeal No. : C.M.P. No. 1602-CII of 1989

Appellant : Neelam Rani

Respondent : Surinder Kumar

Advocate for Pet/Ap. : Akash Jain, Adv.

Disposition : Petition allowed

Judgement :

J.V. Gupta, J.

1. This is an application for transfer of a petition under Section 9 of the Hindu Marriage Act filed by Surinder Kumar respondent-husband against his wife Neelam Rani petitioner in the Court of Additional District Judge, Sirsa. Marriage took place on 14-10-1987 at Kurukshetra. The wife filed a petition under Section

13 of the Hindu Marriage Act for a decree of divorce against her husband on 16-11-1988 and the same is pending in the Court of Additional District Judge, Kurukshetra. Thereafter the husband filed a petition under Section 9 of the Act in the Court of Additional District Judge, Sirsa. In the circumstances, it has been prayed that the petition under Section 9 filed by the husband at Sirsa be transferred to the Court of Addl. District Judge, Kurukshetra so that both the petitions be tried together. No one is present on behalf of the respondent in spite of service. In view of the averments made in the petition, it is a fit case where the petition filed by the husband under Section 9 of the Act pending in the Court of Addl. District Judge, Sirsa should be transferred to the Court of Addl. District Judge, Kurukshetra where a petition under Section 13 of the Act between the parties is pending. Consequently, this application succeeds and it is directed that the petition under Section 9 of the Hindu Marriage Act titled as 'Surinder Kumar v. Neelam Rani' pending the Court of Shri S.D. Arora, Additional District Judge, Sirsa be transferred to the Court of Additional District Judge, Kurukshetra, where a petition under Section 13 of the Act between the parties titled as Neelam Rani v. Surinder Kumar is pending.