

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).19578/2008  
(From the judgement and order dated 29/05/2008 in TA No. 188/2008 of The HIGH  
COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RAJNI VAID Petitioner(s)

VERSUS

NAVEEN VAID Respondent(s)  
(With prayer for interim relief)

Date: 04/05/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN  
HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s) Dr. G.S. Chauhan, Adv.  
Mr. Kamal Mohan Gupta, Adv.

For Respondent(s) Mr. Dinesh Verma, Adv.  
Ms. Santosh, Adv.  
Mr. Rajat Sharma, Adv.  
Dr. Kailash Chand, Adv.

UPON hearing counsel the Court made the following  
ORDER

Leave granted.

The appeal is allowed; the impugned order is set aside and it is ordered that suit, being H.M.A. No. 41 of 2008, filed under Section 9 of the Hindu Marriage Act, 1955, pending in the Court of Additional District Judge, Panipat shall stand transferred to the Court of District and Sessions Judge, Gurgaon, who may assign it to a Court dealing with matrimonial cases/family Court.

[ Charanjeet Kaur ]  
Court Master

[ Vijay Dhawan ]  
Court Master

[ Signed order is placed on the file ]  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3175 OF 2009  
(Arising out of SLP(C) No. 19578/2008)

Rajni Vaid .. Appellant(s)

Versus

Naveen Vaid .. Respondent(s)

ORDER

Leave granted.

Challenge in this appeal is to order dated 28th May, 2008, passed by  
the High Court of Punjab & Haryana in T.A. No.188 of 2008.

By the

impugned order, a learned Single Judge of the High Court has dismissed the petition filed by the appellant under Section 24 read with 151 of the Code of Civil Procedure seeking transfer of the case titled Naveen Vaid vs. Rajni Vaid pending in the Court of Additional District Judge, Panipat to the Court of competent jurisdiction at Gurgaon. The sole factor which has weighed with the High Court in dismissing the application is that the respondent-husband has never insisted upon the personal presence of the wife on every date of hearing.

We have heard learned counsel for the parties.

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CA 3175/2009...contd..

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Learned counsel appearing for the respondent-husband very fairly states that the respondent has no objection to the transfer of the aforementioned case to any Court at Gurgaon.

Accordingly, the appeal is allowed; the impugned order is set aside and it is ordered that suit, being H.M.A. No. 41 of 2008, filed under Section 9 of the Hindu Marriage Act, 1955, pending in the Court of Additional District Judge, Panipat shall stand transferred to the Court of District and Sessions Judge, Gurgaon, who may assign it to a Court dealing with matrimonial cases/ family Court.

The appeal stands disposed of accordingly.

.....J.  
[D.K. JAIN]

.....J.  
[B.SUDHERSHAN REDDY]

NEW DELHI,  
MAY 04, 2009.