

**SUPREME COURT OF INDIA**

Rajni Vaid

Vs.

Naveen Vaid

C.A.No.3175 of 2009

(D.K. Jain and B.Sudhershnan Reddy JJ.)

04.05.2009

**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. Learned counsel appearing for the respondent-husband very fairly states that the respondent has no objection to the transfer of the afore-mentioned 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.

