

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

TA No.621 of 2013(O&M)

Date of Decision:-21.12.2013

Ramandeep Kaur

.....Petitioner.

Versus

Inderjit Singh

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. J.S. Dadwal, Advocate for the Petitioner-wife.

None for the respondent-husband.

JASWANT SINGH, J.(ORAL)

Petitioner wife is seeking the transfer of petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights titled as “Inderjit Singh Vs. Ramandeep Kaur” pending before the court of learned Civil Judge(Junior Division), Ferozepur to a court of competent jurisdiction at Hoshiarpur.

It is stated that the marriage between the parties was solemnized on 20.01.2010 at Hoshiarpur. The parties cohabited as husband and wife in the matrimonial home at Ferozepur. Out of this wedlock one daughter was born. Due to matrimonial dispute, petitioner-wife along with her minor daughter was turned out of her matrimonial home on 26.03.2011 and since then she is stated to be residing at her parental home in Hoshiarpur.

It is further submitted that the petitioner-wife has filed a petition under Section 125 Cr.PC and also lodged an FIR under Section 406, 498-A IPC at Hoshiarpur. It is further submitted that respondent-husband in order to harass petitioner-wife has filed petition under Section 9 of the

Hindu Marriage Act, 1955 at Ferozepur.

The ground for transfer sought is that it is extremely inconvenient for the petitioner-wife to travel 182 Kms from her residence in Hoshiarpur to pursue the aforesaid proceedings filed by the respondent-husband at Ferozepur.

Upon notice none has caused appearance on behalf of the respondent-husband to contest the present petition, however, I find that the grounds set out in the petition are sufficient to allow the petition as it is well settled that in matrimonial proceedings initiated by the husband against wife, convenience of wife must be looked at. Reliance in this regard can be placed upon **Sumita Singh v. Kumar Sanjay and another**, AIR 2002 SC 396.

In view of the above, the present petition is allowed, the petition under Section 9 of the Hindu Marriage Act, 1955 titled as “Inderjit Singh Vs. Ramandeep Kaur” pending in the Court of Civil Judge(Jr. Divn.), Ferozepur is ordered to be withdrawn and transferred to courts of competent jurisdiction at Hoshiarpur for disposal in accordance with law from the stage of withdrawal.

(JASWANT SINGH)
JUDGE

December 21, 2013
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