

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

TA No. 469 of 2013 (O&M)

Date of decision : 6.4.2015

Smt. Meenakshi

... Applicant

VS

Rajesh Kumar

.... Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. S. K. Verma, Advocate, for the applicant.

None for the respondent despite service.

Rajesh Bindal J.

Prayer in the present application is for transfer of petition titled as “Rajesh Kumar vs Smt. Meenakshi” filed by the respondent/husband against the applicant-wife for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955 (for short 'the Act') from the Court of learned District Judge (Family Court), Sonapat to the court of competent jurisdiction at Hisar.

Learned counsel for the applicant submitted that after the marriage, the respondent and his parents never allowed her to live in the matrimonial home. She was turned out of the matrimonial home. She is living with her parents. She has lodged FIR and filed a petition under Section 125 Cr.P.C. for grant of maintenance at Hisar. She has no source of income. It was submitted that it is very difficult for the applicant to attend court proceedings by travelling 160-170 kilometers from Hisar to Sonapat. There is no one in the family to accompany her to attend the court proceedings at Sonapat, who is living at the mercy of her parents with no source of income. He further submitted that in view of the aforesaid two other cases pending against the respondent and his family members at Hisar, where the respondent is appearing, the petition under Section 9 of the Act filed by him be also transferred to Hisar, where the wife is living with her parents.

No one has appeared for the respondent at the time of hearing.

Heard learned counsel for the applicant and perused the paper book.

Considering the fact that it is the convenience of the wife which is the paramount consideration, in my opinion, the petition filed by the respondent which is pending in the Court of District Judge (Family Court), Sonapat titled as Rajesh Kumar vs Smt. Meenakshi under Section 9 of the Act, deserves to be transferred to the Court of District Judge (Family Court), Hisar. Ordered accordingly.

Parties are directed to appear before District Judge (Family Court), Hisar, on 2.5.2015 for further proceedings.

The application stands disposed of accordingly.

6.4.2015
vs.

(Rajesh Bindal)
Judge