

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

TA No. 630 of 2013 (O&M)

Date of decision : 9.4.2015

Pinki Rani

... Applicant

VS

Jaswinder Singh @ Ladi Singh

.... Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Narinder S. Lucky, Advocate, for the applicant.

None for the respondent.

Rajesh Bindal J.

Prayer in the application is for transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by the husband at Ropar to competent court at Rajpura, District Patiala.

It is submitted by the applicant that the marriage of the parties was solemnised on 4.3.2012 as per Hindu rites. Out of the wedlock, one son was born, who is residing with the mother. Her father is a poor person. She has no source of income. She was turned out of the matrimonial home. The petition for restitution of conjugal rights has been filed by the husband at Ropar only to harass the applicant wife. The distance from Rajpura to Ropar is more than 70 kilometers. It is submitted that there is no one to look after the child and it is very difficult for her to attend the proceedings at Ropar. The respondent-husband is attending the proceedings in the petition filed by the wife under Section 125 Cr.P.C. at Rajpura. As the husband is already attending the aforesaid case at Rajpura, it will not be difficult for him to attend these proceedings at Rajpura.

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

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

It is not in dispute that the wife is now residing at Rajpura with minor child. It is very difficult for her to attend the proceedings at Ropar along with minor child.

The issue regarding transfer of matrimonial proceedings almost in similar circumstances came up for consideration before this Court as well in a number of cases earlier. It has been the consistent view that primarily the convenience of the wife is to be given weightage for ordering transfer of proceedings at or near the place where she is residing.

Accordingly, the petition filed by the husband at Ropar is transferred to Rajpura. Parties are directed to appear before the Additional Civil Judge (Senior Division), Rajpura, on 4.5.2015 for further proceedings.

The application stands disposed of accordingly.

9.4.2015
vs

(Rajesh Bindal)
Judge