

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No.15 of 2015

Date of decision: January 09, 2015.

Bhupinder Kaur

... **Petitioner**

v.

Gursukhraj Singh

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON**

Present: Shri Jaideep Verma, Advocate, for the petitioner.

Dr. Bharat Bhushan Parsoon, J. (Oral):

Counsel for the petitioner seeks transfer of the petition under Section 9 of the Hindu Marriage Act, 1955 (in short the Act) filed by the respondent-husband for restitution of conjugal rights from Bathinda to Ludhiana, where she is residing with her small breast-fed child, claiming that continuance of petition under Section 9 of the Act at Bathinda would cause great hardship to her as she would not be able to contest the same competently, effectively and wholesomely with a small child to take care of and by travelling a distance of more than 150 kilometers on each and every date of hearing. It is averred that the respondent-husband is already contesting petition under Section 125 Cr.P.C. at Ludhiana but this petition under Section 9 of the Act has been preferred by him at Bathinda merely to harass and humiliate her.

No notice is being issued to the respondent in order to obviate

delay, more so when no prejudice is likely to be caused to the respondent in view of the nature of order which this Court proposes to pass.

In view of the circumstances explained in the petition and particularly when the husband is already contesting proceedings under Section 125 Cr.P.C. at Ludhiana, the petition under Section 9 of the Hindu Marriage Act, 1955 is ordered to be transferred from Bathinda to the court of competent jurisdiction at Ludhiana. Compliance be made by the District & Sessions Judge, Bathinda.

The petition stands disposed of.

January 09, 2015.
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[Dr. Bharat Bhushan Parsoon]
Judge