

In the High Court of Punjab and Haryana at Chandigarh

.....

T.A. No.159 of 2015

.....

Date of decision:20.7.2015

Jyoti

.....Petitioner

v.

Parveen

.....Respondent

....

**Coram : Hon'ble Mr. Justice Inderjit Singh**

.....

Present: Mr. Munish Kumar Garg, Advocate for the petitioner.

Mr. Dinesh Arora, Advocate for the respondent.

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**Inderjit Singh, J.**

This petition has been filed under Section 24 C.P.C. for transferring the petition filed under Section 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') for restitution of conjugal rights titled as "Jyoti Vs. Parveen" (Annexure-P.1), filed by the petitioner and pending in the Court of District Judge, Bhiwani to the competent Court at Jind.

Notice of this transfer petition was issued to the respondent, who was represented by Mr. Dinesh Arora, learned Advocate and contested this petition.

At the time of arguments, learned counsel for the petitioner

argued that petition under Section 9 of the Act is pending at Bhiwani and the same be transferred to Jind as it is difficult for the petitioner to go to attend the Court at Jind. Secondly, he argued that two proceedings are already pending i.e. one under Domestic Violence Act and the other under Section 125 Cr.P.C at Jind and the respondent is appearing in those proceedings and no inconvenience is to be caused to him.

On the other hand, learned counsel for the respondent argued that only on the ground of inconvenience to a party, the case cannot be transferred.

I have heard learned counsel for the parties and have gone through the record.

From the record, I find that firstly inconvenience will be caused to the petitioner while visiting to Bhiwani Court, which is at a distance of 75 Kms. from District Jind and one male member is to accompany her to the Courts at Bhiwani. Secondly, the proceedings under Section 12 of the Domestic Violence Act as well as under Section 125 Cr.P.C are pending before JMJC, Jind and, as argued, the respondent is appearing in those proceedings. If the case is transferred to the Courts at Jind, no inconvenience will be caused to the respondent nor any prejudice is going to be caused to the respondent. Rather, it will be convenient for the parties and they can ask for one date by making request to the Courts in all these cases.

Therefore, from the above discussion, I find merit in the present transfer petition and the same is accepted. The petition under Section 9 of the Act filed by Jyoti against Parveen pending in the Court of learned

District Judge, Bhiwani is transferred to the competent Court at Jind.

The parties are directed to appear on 11.8.2015 before the learned District Judge, Jind, who will be at liberty to keep this case with him or may transfer the same to any competent Court at Jind, who will proceed as per law for disposal of the same. The learned District Judge, Bhiwani is directed to send the file of the above case to the learned District Judge, Jind well before the date fixed.

The petition is allowed accordingly.

July 20, 2015.

**(Inderjit Singh)**  
**Judge**

\*hsp\*