

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

TA No.194 of 2015

Date of decision: March 17, 2015.

Surinder Hans

... **Petitioner**

v.

Joginder Masih

... **Respondent**

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

Present: Shri S.P. Soi, Advocate, for the petitioner.

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

Counsel for the petitioner seeks transfer of the petition under Section 32 of the Indian Divorce Act, 1869 (in short the Act) filed by the respondent-husband for restitution of conjugal rights from Gurdaspur to Chandigarh.

It is also urged that the respondent-husband is also facing criminal proceedings under Sections 494 and 498-A IPC in an FIR registered at her behest at Chandigarh. Besides this, it is very difficult for her to travel 220 kilometers from Chandigarh to Gurdaspur on each and every date of hearing along with her adopted minor son, specifically when there is imminent threat to her life and limb at the instance of the respondent and his henchmen in the backdrop of seriousness of allegations imputed by 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 submissions made by Counsel for the petitioner as also the circumstances explained, the request is allowed.

Sequely, the petition under Section 32 of the Indian Divorce Act, 1869 pending at Gurdaspur is transferred to District Judge, Chandigarh who may entrust to any competent court. Both the concerned District Judges to comply.

The petition stands disposed of.

The petitioner shall appear before the District Judge, Chandigarh on 20.4.2015.

Copy dasti on usual charges.

March 17, 2015.
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[Dr. Bharat Bhushan Parsoon]
Judge