

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.243 of 2015 (O&M)
Date of Decision: July 31, 2015

Anjali

...Applicant

Versus

Jatinder Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gurmeet Singh, Advocate
 for the applicant.

None for the respondent.

INDERJIT SINGH, J.

Applicant Anjali has filed this application under Section 24 CPC against respondent Jatinder Kumar for transfer of petition filed by the respondent under Section 9 of the Hindu Marriage Act for Restitution of Conjugal Rights titled as 'Jatinder Kumar vs. Mrs.Anjali', from the Court of learned District Judge, Chandigarh to the Court of competent jurisdiction at Ludhiana.

Notice of motion was issued but none appeared on behalf of the respondent despite service.

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

As per the applicant, two minor children are residing with her and it is very difficult for her to pursue the proceedings at Chandigarh by leaving minors alone. It is also the case of the applicant that another proceedings under Domestic Violence Act are

pending at the Courts at Ludhiana. It is also the case of the applicant that she has no source of income and there is no male member to accompany her to attend the Courts at Chandigarh on each and every date, which is at a distance of about 75 Kms.

Keeping in view the facts and circumstances of the present case, I find that it is inconvenient for the applicant to pursue the case at Chandigarh, especially when she is maintaining two minor children. Furthermore, proceedings under Domestic Violence Act are already pending at Ludhiana. If the petition under Section 9 of the Hindu Marriage Act is transferred, then it will be convenient for both the parties to take one date in both proceedings by making request to the Court. Otherwise, it is settled law that in matrimonial dispute cases, convenience of the wife is to be seen.

Therefore, I find merit in the present application and the same is allowed. The case filed by the respondent-husband under Section 9 of the Hindu Marriage Act is transferred to the Courts at Ludhiana from the Court of learned District Judge, Chandigarh. The applicant is directed to appear before learned District Judge, Ludhiana on 20.08.2015, who may keep the case with him or entrust the same to some other competent Court for disposal in accordance with law after giving notice to the respondent. Learned District Judge, Chandigarh, is directed to send the file to learned District Judge, Ludhiana, well before the date fixed.

July 31, 2015
Vgulati

(INDERJIT SINGH)
JUDGE