

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.248 of 2015 (O&M)
Date of Decision: August 05, 2015

Amarjit Kaur

...Applicant

Versus

Baldev Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.K.B.S.Mann, Advocate
for the applicant.

Mr.Achin Gupta, Advocate
for the respondent.

INDERJIT SINGH, J.

Applicant Amarjit Kaur has filed this application under Section 24 CPC against respondent Baldev Singh for transfer of petition filed by the respondent under Section 9 of the Hindu Marriage Act for Restitution of Conjugal Rights titled as 'Baldev Singh vs. Amarjit Kaur', from the Court of learned Civil Judge (Senior Division), Faridkot to the Court of competent jurisdiction at Sri Muktsar Sahib.

Notice of motion was issued and learned counsel for the respondent appeared and contested the application. However, no reply has been filed by the respondent.

At the time of arguments, learned counsel for the applicant argued that maintenance was granted to the minor children vide order dated 03.03.2010 by the learned Chief Judicial Magistrate, Muktsar.

Then revision was filed and maintenance was enhanced to ₹1000/-

per month to the applicant and ₹700/- per month to both the minor children. He further argued that the applicant filed application for execution of the order for maintenance, which is pending before learned JMIC, Sri Muktsar Sahib.

On the other hand, learned counsel for the respondent argued that the present transfer application should not be allowed.

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

In view of the arguments and averments in the application, it is clear that a small amount of maintenance granted by the Court is not paid by the respondent and the applicant has to file execution application, which means that it is inconvenient for the applicant to visit Faridkot, especially when, she has filed execution application for enforcement of the order of maintenance. Otherwise also, in the matrimonial dispute, the convenience of the wife is to be seen. It is also in the present application that applicant is residing with her two minor sons at her parental home in Sri Muktsar Sahib and her mother is bed ridden and her father is more than 70 years of age and she cannot travel on each and every date to attend the Courts at Faridkot.

From the arguments as well as averments in the transfer application, I find merit in the application as it is inconvenient for the applicant to visit Faridkot on each and every date, when there is nobody to accompany her and her father is an old person. The minor children are also residing with the applicant and the applicant is to spend a lot of money on travelling.

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 Sri Muktsar Sahib from the Court of learned Civil Judge (Senior Division), Faridkot . The applicant is directed to appear before learned District Judge, Sri Muktsar Sahib on 26.08.2015, who may entrust the case to any competent Court for disposal in accordance with law. Learned Civil Judge (Senior Division), Faridkot, is directed to send the file to learned District Judge, Sri Muktsar Sahib, well before the date fixed.

August 05, 2015
Vgulati

(INDERJIT SINGH)
JUDGE