

In the High Court of Punjab and Haryana at Chandigarh

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T.A. No.298 of 2015

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Date of decision:30.7.2015

Urmil

.....Petitioner

v.

Sunil

.....Respondent

....

Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Vikrant Sharma, Advocate for the petitioner.

Mr. N.S. Gill, Advocate for the respondent.

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Inderjit Singh, J.

This petition has been filed under Section 24 read with Section 151 C.P.C. for transferring the petition titled as “Sunil vs. Urmil” filed by the respondent under Section 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as ‘the Act’) for restitution of conjugal rights between the parties, from the Court of learned Civil Judge (Senior Division), Jhajjar to a Court of competent jurisdiction at Gurgaon.

Notice of this transfer petition was issued to the respondent. Mr. N.S. Gill, learned Advocate has appeared on behalf of the respondent and contested this petition.

Learned counsel for the petitioner argued that there is distance of about 55 kms. to 60 kms. between Jhajjar to Gurgaon. Three cases i.e.

one under Section 125 Cr.P.C., another FIR case under Sections 498-A and 406 IPC and third case under Section 12 of the Domestic Violence Act are already pending at the Courts at Gurgaon. It is also argued that there is no male member to accompany the petitioner to attend proceedings at Jhajjar.

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

Keeping in view the facts and circumstances of the present case and also keeping in view the convenience of the petitioner, I find that there are three proceedings pending at Gurgaon and the respondent is to appear in those proceedings. No prejudice will be caused to him if this case is also transferred to Gurgaon. Rather, it will be convenient for the parties and they can ask for one date by making request to the Courts in these cases.

In view of above, I find merit in this petition and the same is accepted. The above petition filed under Section 9 of the Act by Sunil against Urmil, pending in the Court of learned Civil Judge (Senior Division), Jhajjar, is transferred to the Court of competent jurisdiction at Gurgaon.

The parties are directed to appear before the learned District Judge, Gurgaon on 20.8.2015, who will be at liberty to keep this case with him or may entrust the same to any Court of competent jurisdiction at Gurgaon, who will proceed as per law for disposal of the same. If possible, the learned District Judge, Gurgaon may entrust all these cases to one Court of competent jurisdiction at Gurgaon to avoid conflicting judgments.

The learned Civil Judge (Senior Division), Jhajjar is directed to

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send the file of the above case to the learned District Judge, Gurgaon well before the date fixed.

The petition stands disposed of accordingly.

July 30, 2015.

(Inderjit Singh)
Judge

hsp