

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

TA No.414 of 2015.

Date of Decision: 16.11.2015.

Gurmit Kaur

....Petitioner.

VERSUS

Harjit Singh

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Bahadur Singh, Advocate for the petitioner.
Mr. R.K. Arya, Advocate for the respondent.

SNEH PRASHAR, J.

Invoking the provisions of Section 24 read with Section 151 of the Code of Civil Procedure petitioner-wife Smt. Gurmit Kaur seeks transfer of the petition for restitution of conjugal rights filed under Section 9 of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) by respondent-husband from the Court of Civil Judge (Senior Division), Gurdaspur to the Court of competent jurisdiction at Chandigarh.

The submissions made by Mr. Bahadur Singh, learned counsel representing the petitioner and Mr. R.K. Arya, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent on 31.08.2014 as per Sikh rites and ceremonies and it was agreed that the respondent will settle in his in-laws house as a “*Ghar*

Jamai”. However, after marriage the respondent started harassing her on account of demand of dowry and transfer of her parental house in his name and ultimately on 13.10.2014 he went back to his parental house and since then petitioner is residing at the mercy of her parents. She filed two complaints against the respondent and his father which are pending adjudication before Women Cell, Chandigarh.

Learned counsel pointed out that the earlier petition under Section 11 and 12 of the Act of 1955 filed by the respondent was transferred from Gurdaspur to Chandigarh. The respondent has since filed a petition under Section 9 of the Act of 1955, which is pending adjudication in the court of Civil Judge (Senior Division), Gurdaspur. Submitting that the petitioner is a housewife and has no independent source of income and is residing at the mercy of her mother, learned counsel sought transfer of the petition from Gurdaspur to Chandigarh.

Learned counsel for the respondent resisted the prayer of the petitioner on the ground that he is ready to keep and maintain her but she herself has withdrawn from his conjugal company without any reasonable cause.

The petitioner is residing with her mother at Chandigarh. The distance between Chandigarh and Gurdaspur is about 200 kilometers. Indeed, it will be difficult for the petitioner to travel for attending the hearings in the Court at Gurdaspur and the expenses for travelling will also be an additional financial burden on her. It has been held in ***Sumita Singh vs. Kumar Sanjay and another, AIR 2002 (SC) 396*** and ***Neelam Kanwar***

vs. Devinder Singh Kanwar, 2000(8) SCC 184 that convenience of the wife has to be taken into consideration in such like matters.

Accordingly, considering the facts discussed above, the petition for restitution of conjugal rights filed under Section 9 of the Act of 1955 pending in the Court of learned Civil Judge (Senior Division), Gurdaspur is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Chandigarh. The file shall be sent by the trial Court to the District and Sessions Judge, Chandigarh within two weeks from the date of receipt of copy of this order, who will either keep the petition himself/ herself or will entrust the same to any other Court of competent jurisdiction at Chandigarh.

The parties are directed to appear before the District Judge, Chandigarh on 21.12.2015.

(SNEH PRASHAR)
JUDGE

16.11.2015.
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