

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

TA No.510 of 2015.

Date of Decision: 01.10.2015.

Gunjan Khanna

....Petitioner.

VERSUS

Tushar Khanna

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Jitender Dhanda, Advocate for the petitioner.

Mr. Davinder Bir Singh, Advocate for the respondent.

SNEH PRASHAR, J.

This is a petition under Section 24 read with Section 151 of the Code of Civil Procedure (for short, “C.P.C.”) filed by petitioner-wife Smt. Gunjan Khanna seeking 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 District Judge, Karnal to the Court of competent jurisdiction at Hisar.

The submissions made by Mr. Jitender Dhanda, learned counsel representing the petitioner and Mr. Davinder Bir Singh, learned counsel representing the respondent have been heard.

It is submitted on behalf of the petitioner that she was married to the respondent, however after marriage she was treated with cruelty by the respondent and during a short span of marriage was turned out of the matrimonial home and is residing at the mercy of her parents. The respondent has since filed a petition for restitution of conjugal rights under Section 9 of the Act of 1955 which is pending in the Court of District Judge, Karnal. Submitting that the petitioner is a housewife and has no independent source of income and is residing at the mercy of her parents, learned counsel sought transfer of the petition from Karnal to Hisar.

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resisted the prayer of the petitioner on the ground that he is ready to keep and maintain her but she herself has withdrawn from his conjugal company without any reasonable cause.

Presently, the petitioner is residing with her parents at Hisar. The distance between Hisar and Karnal is about 160 kilometers. Indeed, it will be difficult for the petitioner to travel for attending the hearings in the Court at Karnal 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 District Judge, Karnal is withdrawn

from the said Court and is transferred to the Court of competent jurisdiction at Hisar. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Hisar 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 Hisar.

The parties are directed to appear before the District Judge, Hisar on 16.11.2015.

(SNEH PRASHAR)
JUDGE

01.10.2015.
jitender