

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Transfer Application No.216 of 2014 (O&M)

Date of decision: 29.6.2015

Kavita @ Nirmala Devi

... Petitioner

Versus

Sanjeev Kumar

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.K.S.Dhanora, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

The first office report recorded that the respondent could not be served as he was not found residing at the given address. The address is one given by the husband in his application under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights. If the respondent cannot be served at the address given by him in his petition under Section 9 of the HMA, then I see no reason why the case should not be transferred from Ludhiana to Kurukshetra. It is not the duty of the wife to search the whereabouts of her husband litigating against her and to expect to serve the respondent through dasti process.

The petition is allowed and the case stands transferred as prayed for in terms of this order from Ludhiana to Kurukshetra.

**(RAJIV NARAIN RAINA)
JUDGE**

June 29, 2015

Paritosh Kumar