

In the High Court of Punjab and Haryana at Chandigarh

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T.A. No.408 of 2014

.....

Date of decision:30.7.2015

Indu Bala

.....Petitioner

v.

Beant Singh

.....Respondent

....

Coram : Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Rajesh Kumar Dadwal, Advocate for the petitioner.

None for the respondent despite service.

.....

Inderjit Singh, J.

This petition has been filed under Section 24 C.P.C. for transferring the petition titled as “Beant Singh Vs. Indu Bala” 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 Additional Civil Judge (Senior Division), Dhuri to a Court of competent jurisdiction at Mukerian, District Hoshiarpur.

Notice of this transfer petition was issued to the respondent, but no one has put in appearance on his behalf to contest this petition.

Learned counsel for the petitioner argued that there is one minor daughter residing with petitioner-Indu Bala and it is very difficult for the petitioner to take her along with her to attend the proceedings at Dhuri,

which is at a distance of about 200 kms. It is also argued that there is no source of income with the petitioner to bear the travelling expenses etc. There is no male member in the family to accompany her to the Courts at Dhuri. It is also argued that the proceedings under the Domestic Violence Act are already pending in the Court at Mukerian.

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

Keeping in view the above facts and circumstances of the present case, I find that in the matrimonial dispute convenience of the wife is to be seen. It is inconvenient for the wife to take her minor daughter along with her to attend the proceedings at a distance of about 200 kms. It is also difficult for her to leave the minor child alone at home and then to go for attending the proceedings. Otherwise also, the proceedings under the Domestic Violence Act are pending in the Court at Mukerian. There will be no prejudice to the case of the respondent because he is to appear in those proceedings. Rather, it will be convenient for the parties as they can ask for one date by making request to the Courts in these cases. If possible and if there is jurisdiction both these cases can be tried by one and the same Court. Otherwise also, the respondent has to appear to contest these proceedings.

Therefore, keeping in view the facts and circumstances of the present case, I find merit in this petition and the same is accepted. The above petition filed under Section 9 of the Act by Beant Singh against Indu Bala, pending in the Court of learned Additional Civil Judge (Senior Division), Dhuri, is transferred to the Court of competent jurisdiction in

Hoshiarpur Sessions Division.

The parties are directed to appear before the learned District Judge, Hoshiarpur on 20.8.2015, who will firstly entrust this case to the Court of competent jurisdiction at Mukerian to try these proceedings under Section 9 of the Act and if there is no competent Court at Mukerian then may keep this case with him or may entrust the same to any Court of competent jurisdiction at Hoshiarpur, who will proceed as per law for disposal of the same. The learned Additional Civil Judge (Senior Division), Dhuri is directed to send the file of the above case to the learned District Judge, Hoshiarpur well before the date fixed.

The petition stands disposed of accordingly.

July 30, 2015.

(Inderjit Singh)
Judge

hsp