

In the High Court of Punjab and Haryana at Chandigarh

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T.A. No.475 of 2014

.....

Date of decision:4.8.2015

Reetika

.....Petitioner

v.

Naveen Bansal

.....Respondent

....

Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mrs. Promila Nain, Advocate for the petitioner.

Mr. Gulzar Mohd., Advocate for the respondent.

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Inderjit Singh, J.

This petition has been filed under Section 24 C.P.C. for transferring the petition filed under Section 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') for restitution of conjugal rights titled as "Naveen Bansal Vs. Reetika", by respondent in the Court of Civil Judge (Junior Division), Jalandhar to the Court of competent jurisdiction at Ludhiana.

Notice of this petition was given to the respondent, who was represented by Mr. Gulzar Mohd., learned counsel and contested this petition.

I have heard learned counsel for the parties and have gone

through the record.

At the time of arguments, learned counsel for the petitioner argued that it is difficult for the petitioner to visit the Court at Jalandhar from Ludhiana as there is no male member in the family to accompany her. Her brother is mentally retarded and father is bed ridden. It is also the case of the petitioner that complaint under Section 406 and 498-A IPC etc. has also been filed before the Police against the respondent at Ludhiana.

On the other hand, learned counsel for the respondent argued that only on the ground of inconvenience to a party, the case cannot be transferred.

Keeping in view the facts and circumstances of the present case and in view of the law that convenience of the wife is to be seen, I find that it is inconvenient for the wife to visit Jalandhar from Ludhiana as there is no other male member in the family to accompany her. Further more, a complaint is stated to have already been filed before the Police under Sections 406 and 498-A IPC at Ludhiana.

In view of the above, I find merit in this petition and the same is accepted. The petition filed under Section 9 of the Act pending before learned Civil Judge (Junior division), Jalandhar is transferred to the Court of competent jurisdiction at Ludhiana.

The parties are directed to appear before District Judge, Ludhiana on 26.8.2015. The District Judge, Ludhiana will be at liberty to keep this case with him or may entrust the same to any Court of competent jurisdiction at Ludhiana, for disposal of the case as per law.

The learned Civil Judge (Junior Division), Jalandhar is directed to send the file of the above case to the learned District Judge, Ludhiana well before the date fixed.

August 4, 2015.

(Inderjit Singh)
Judge

hsp