

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

**Transfer Application No.516 of 2014
Date of Decision: April 27, 2015**

Jyoti

...Petitioner

Versus

Ravinder

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Sandeep Thakan, Advocate,
for the petitioner.

- 1. Whether Reporters of Local papers may be allowed to see the judgment?
- 2. To be referred to the Reporters or not?
- 3. Whether the judgment should be reported in the Digest?

Naresh Kumar Sanghi, J.(Oral)

Despite service, none has appeared on behalf of the respondent.

The present petition has been filed under Section 24 of CPC for transfer of petition tilted as “***Ravinder vs. Smt.Jyoti***” filed under Section 9 of the Hindu Marriage Act, 1955, for Restitution of Conjugal Rights pending adjudication before learned Civil Judge (Senior Division), Jind, to the court of competent jurisdiction at Hisar.

Learned counsel contends that the petitioner/wife had filed the following three cases:-

- (i) a case arising out of the FIR for the offences punishable under Sections 406 and 498-A, IPC;

(ii) a petition under Section 13 of the Hindu Marriage Act; and

(iii) a petition under Section 125, Cr.P.C., for grant of maintenance which are pending adjudication before the different courts at Hisar.

He further contends that the petitioner is a mother of six year old son who is residing with her at Hisar; she has no means to visit Jind on each and every date of hearing to defend her case; father of the petitioner, with whom she was residing, has also expired; and there is no adult male member to accompany her to Jind from Hisar.

I have heard the learned counsel for the petitioner and with his able assistance gone through the material available on record.

There appears to be substance in the submissions of learned counsel for the petitioner/wife when he submitted that as many as three cases were pending between the same parties at Hisar; the petitioner is mother of a six year old son; she has no means to visit Jind from Hisar on each and every date of hearing and that there is no adult male member to accompany her to Jind after the death of her father.

In the matter of ***Sumita Singh vs. Kumar Sanjay & another, AIR 2002 SC 396*** Hon'ble the Supreme Court while

dealing with the petition under Section 24, CPC, for transfer of a matrimonial case held that “ it is the wife's convenience that must be looked at”. In ***Jitender Kaur vs. Manpreet Singh***, Transfer Application No.263 of 2009, decided on 25.11.2009, by a Co-ordinate Bench of this Court held that in terms of Section 21-A of the Hindu Marriage Act, all proceedings under the Hindu Marriage Act have to be tried by the same Court, therefore, a petition under Section 13 of the Hindu Marriage Act filed by the respondent has to be tried by the same court which is seized of earlier proceedings under Section 9 of the Act.

Similar were the pronouncements by this Court in the matters of ***Annu Arora vs. Rakesh Kumar***, Transfer Application No.648 of 2011, decided on 16.12.2011 and ***Bupinder Kaur vs. Inderpreet Singh***, Transfer Application No.616 of 2011, decided on 09.05.2012 by a Co-ordinate Bench of this Court. In the matter of “***Leena Kalra @ Lovely vs. Parveen Kumar***”, Transfer application No.381 of 2014, decided by this Court on 30.03.2015, the same view was endorsed.

Keeping in view the factual and legal aspects of the case, the petition titled as “***Ravinder vs. Smt.Jyoti***” pending before the learned Civil Judge (Senior Division) Jind, is transferred to the Board of learned Civil Judge (Senior Division) Hisar who shall retain the case on his/her own board or to

assign it to the court of competent jurisdiction within his/her jurisdiction for disposal in accordance with law. Learned Civil Judge (Senior Division) Jind shall send the complete record of the above said case to the court of learned Civil Judge (Senior Division) Hisar as soon as the copy of this order is received.

Disposed of accordingly.

The parties to the lis shall appear before learned Civil Judge (Senior Division), Hisar, on 27.05.2015.

April 27, 2015
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(Naresh Kumar Sanghi)
Judge