

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.642 of 2014

Date of Decision: April 08, 2015

Preet Kanwal

...Applicant

Versus

Gurjit Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Munish Bhardwaj, Advocate
for the applicant.

Mr.Deepender Singh, Advocate
for the respondent.

INDERJIT SINGH, J.

Applicant Preet Kanwal has filed this application under Section 24 CPC against Gurjit Singh for transfer of petition filed by respondent under Section 9 of the Hindu Marriage Act titled as 'Gurjit Singh vs. Preet Kanwal' pending before learned Addl. Civil Judge (Senior Division), Hoshiarpur to the competent Court at Jalandhar.

Notice of motion was issued and learned counsel for respondent appeared and contested the application.

Learned counsel for the applicant argued that two cases are already pending at Jalandhar i.e. proceedings under Section 125 Cr.P.C. and other case under Section 406 IPC etc. Learned counsel for the applicant further argued that respondent has filed petition under Section 9 of the Hindu Marriage Act as a counter-blast.

On the other hand, learned counsel for the respondent argued that there is distance of only 40 kms. between Hoshiarpur and Jalandhar. There is no inconvenience to the applicant if case remains pending at Hoshiarpur. He further argued that in the petition under Section 9 of the Hindu Marriage Act, it is not necessary for the applicant to attend the Court on each and every date. Otherwise also, the applicant is having sufficient income and she is rich person.

After hearing learned counsel for the parties and after going through the record, I find that the distance between Jalandhar and Hoshiarpur is about 40 kms. No inconvenience would be caused to the applicant. The fact whether the petition filed by the respondent is a counter blast, is to be determined on the basis of evidence produced before the lower Court. The mere fact that two cases are already pending at Jalandhar, is no ground for transfer of the case under Section 9 of the Hindu Marriage Act to Jalandhar. No inconvenience is going to be caused to the applicant nor the presence of applicant is required on each and every date at District Court, Hoshiarpur.

In view of the above discussion, I do not find any ground to transfer the petition under Section 9 of the Hindu Marriage Act from Hoshiarpur to Jalandhar.

Therefore, finding no merit, the present application is dismissed.

April 08, 2015
Vgulati

(INDERJIT SINGH)
JUDGE