

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

TA No.659 of 2014(O&M)

Date of Decision: 30.04.2015

Gurjeet Kaur

..... PETITIONER

VERSUS

Gurveer Singh

..... RESPONDENT

PRESENT: - Mr. Naveen Chopra, Advocate
for the petitioner.

Mr. Arun Bansal, Advocate
for the respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

- 1) Whether Reporters of the 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?

SHEKHER DHAWAN, J.

The present petition for transfer of the case titled as **Gurveer Singh Vs. Gurjeet Kaur** under Section 9 of the Hindu Marriage Act (for short 'the Act'), for restitution of conjugal rights, pending in the Court of Civil Judge (Sr. Divn.), Yamuna Nagar at Jagadhri to any Court of competent jurisdiction at Karnal, as the petitioner is at advance stage of pregnancy and advised not to travel.

Mr. Naveen Chopra, learned counsel for the

petitioner urged that case under Section 498-A IPC between the same parties is already pending at Karnal whereas the petitioner is resident of Nilokheri, District Karnal. Petition under Section 9 has been filed in Yamuna Nagar just to harass the petitioner and the same be withdrawn from Yamuna Nagar Court and be transferred to the Court at Karnal.

Learned counsel for the respondent took the plea that the respondent is resident of Yamuna Nagar and that is why petition under Section 9 of the Act was filed at Yamuna Nagar Court. The present petition is without any merit and the same be dismissed.

Similar matter was pending before Hon'ble Apex Court in case of **Reena Mehra Vs. Rohit Rai Mehra**, 2003 (2) Marriage Law Journal 307 and **Sumita Singh Vs. Kumar Sanjay and another**, AIR 2002 SC 396 and the Hon'ble Supreme Court transferred the litigation as per wife's convenience. Hon'ble Supreme Court observed that convenience of wife must be looked at while transferring the matter from one Court to the other.

In view of the facts of the case and as per law laid down by Hon'ble Supreme Court in above referred cases, the present petition titled as **Gurveer Singh Vs. Gurjeet Kaur** under Section 9 of the Hindu Marriage Act and

pending in the Court of Civil Judge (Sr. Divn.), Yamuna Nagar at Jagadhri is hereby withdrawn from his Court and transferred to District Judge, Karnal, who may assign it to any Court of competent jurisdiction. Both the concerned District Judges to comply.

Parties to appear before the transferee Court on 18.05.2015.

**(SHEKHER DHAWAN)
JUDGE**

**April 30, 2015
jt**