

In the High Court of Punjab and Haryana at Chandigarh

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T.A. No.660 of 2014

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Date of decision:28.7.2015

Parminder Kaur

.....Petitioner

v.

Jarnail Singh

.....Respondent

....

Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Nitin Kaushal, Advocate for the petitioner.

Mr. Deepak Aggarwal, Advocate for the respondent.

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Inderjit Singh, J.

This petition has been filed under Section 24 read with Section 151 C.P.C. for transferring the petition titled as “Jarnail Singh vs. Parminder Kaur” 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 Civil Judge (Senior Division), Bathinda to a Court of competent jurisdiction at Mansa.

Notice of this transfer petition was issued to the respondent. Mr. Deepak Aggarwal, learned Advocate has appeared on behalf of the respondent and contested this petition.

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

As per case of the petitioner and also as per the arguments of learned counsel for the petitioner, proceedings under Section 125 Cr.P.C. are already pending at Mansa. Minor daughter of the petitioner is residing with her and she is maintaining her. It is also alleged that no maintenance amount has been paid by the respondent and it is difficult for the petitioner to go to Bathinda after leaving her minor daughter alone at house.

On the other hand, learned counsel for the respondent contested this petition by saying that the petitioner is residing at Village Janghirana as she has stated in the application for setting aside ex parte proceedings before the Court at Bathinda, where the petition under Section 9 of the Act is pending.

After hearing the learned counsel for the parties, I find that it is inconvenient for the petitioner to pursue the proceedings filed under Section 9 of the Act at Bathinda. She has stated that she is residing in Mansa Distt. and also maintaining her minor daughter. It is difficult for the petitioner to go to Bathinda after leaving her minor daughter alone. Further, it is the case of the petitioner that no maintenance is being paid by the respondent. A petition under Section 125 Cr.P.C. is already pending in the Court at Mansa and the respondent is also to appear in those proceedings. Rather, it will be convenient for the parties and they can ask for one date by making request to the Courts in these cases.

As regards the fact whether the petitioner is residing at Village Janghirana or at Mansa, there is no need to decide this fact for the purpose of this transfer petition.

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 Jarnail Singh against Parminder Kaur, pending in the Court of learned Civil Judge (Senior Division), Bathinda, is transferred to the Court of competent jurisdiction at Mansa.

The parties are directed to appear on 13.8.2015 before the learned District Judge, Mansa, who will be at liberty to keep this case with him or may entrust the same to any Court of competent jurisdiction at Mansa, who will proceed as per law for disposal of the same. The learned Civil Judge (Senior Division), Bathinda is directed to send the file of the above case to the learned District Judge, Mansa well before the date fixed.

The petition stands disposed of accordingly.

July 28, 2015.

(Inderjit Singh)
Judge

hsp