

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TANo. 901 of 2017 (O&M)

Date of decision : 19.12.2018

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Damanpreet Kaur

.....Applicant

vs.

Davidpreet Singh

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

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

Mr. Chandan Nayar, Advocate for the respondent.

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H. S. Madaan, J. (Oral)

Applicant – Damanpreet Kaur, aged about 33 years, has filed the instant application under Section 24 CPC, seeking transfer of petition under Section 9 of Hindu Marriage Act, for restitution of conjugal rights, filed by her husband, who is respondent in the present application, against her, having title 'Davidpreet Singh vs. Damanpreet Kaur', pending in the Court of Additional Civil Judge (Senior Division-1), Patiala, to a Court of competent jurisdiction at Hoshiarpur.

According to the applicant, marriage between the parties was solemnized on 12.2.2017. Thereafter they started residing

together. However, she was treated with cruelty by her husband and his family members. She was forced to leave the matrimonial home and start residing with her parents at Hoshiarpur. Her husband has filed a petition under Section 9 of the Hindu Marriage Act, in the Court at Patiala. The applicant being a young woman of 33 years, having no source of income, it is difficult for her to go from Hoshiarpur to Patiala, covering a distance of 140 kms on one side, to attend the dates of hearing there. Therefore the application be accepted.

Notice of the application was given to the respondent, who has appeared through counsel.

The application is being opposed by the respondent stating that he is a Government servant and it is difficult for him to obtain leave and go to Hoshiarpur, to attend the dates of hearing in Court there. Besides that he is suffering from serious ailments. As such the application be dismissed.

After hearing learned counsel for the parties and going through the record, I find that ends of justice demand that the application should be accepted. The Apex Court has observed in various judgments that convenience of women has to be seen. It is further stated that two more cases between the parties are pending in the Court at Hoshiarpur and in those proceedings, respondent has been appearing. Therefore he can appear in the third case also.

Accordingly, the application is accepted. The petition in question pending in the court of Additional Civil Judge (Senior Division-1), Patiala, is withdrawn from that Court and transferred to

the Court of Civil Judge (Senior Division) Hoshiarpur, for disposal in accordance with law. Parties through counsel are directed to appear there on 24.1.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

19.12.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No