

TA-731-2018

107

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

TA-731-2018

Date of decision : 29.08.2018

Anju

... Petitioner

Versus

Rajesh

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Arvind Chauhan, Advocate
for the petitioner.

AMIT RAWAL, J.

Prayer in the present petition is to transfer the petition titled as “Rajesh V/s Anju” (Annexure P-1) filed under Section 9 of the Hindu Marriage Act, 1955, for the restitution of conjugal rights, at the instance of the respondent-husband, pending before the Court of Ld. District Judge, Family Court, Hisar to the Court of competent jurisdiction at Jind.

Learned counsel for the petitioner submitted that the marriage between the parties was solemnized on 26.06.2009. The wife was allegedly thrown out of her matrimonial house on 15.12.2017 and thereafter, petition, *ibid* was filed at Hisar. The distance between Jind to Hisar is about 80 to 90 kilometers, therefore, it is very difficult for the petitioner to appear before the concerned Court at Hisar. Even the mother of the petitioner had died on 29.11.2009. It is an attempt to harass and humiliate the petitioner and therefore, transfer of the petition has been sought.

I have heard learned counsel for the petitioner, appraised the

TA-731-2018

paper book and of the view that there is no merit and force in the submissions of Mr. Chauhan, for, the distance between Jind and Hisar is about 75 kms, which cannot be said to be far away keeping in view the fact that over a period of time, the commutation between the towns and various other cities of the States of Punjab and Haryana have become more convenient owing to widening and setting up of four-lane highways. Inconvenience cannot be a ground for transfer of the petition, until and unless certain circumstances of threat perception to the liberty and life are there. No such averment or argument, in this regard, has been made.

Keeping in view the aforementioned facts, I do not find it a fit case for transfer of the divorce petition.

The transfer application is dismissed.

29.08.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**