

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

Transfer Application No.301 of 2019
Date of decision: 06.01.2020

Manju Bala

...Applicant

Versus

Amit Kumar

...Respondent

CORAM: HON'BLE MR.JUSTICE ARUN MONGA

Present: Mr.Manvender Chauhan, Advocate
for the applicant.

None for the respondent.

ARUN MONGA, J. (Oral)

Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act for restitution of conjugal rights titled as “Amit Kumar vs. Manju” pending in the Court of Principal Judge, Family Court, Panchkula to any other Court of the competent jurisdiction at Rohtak.

2. Learned counsel for the applicant submits that the applicant-wife is working as Auxiliary Nursing Midwifery (ANM) and now posted at District Sonapat and given the nature of her job, it is difficult for her to take leave from her job to attend the proceedings at District Court, Panchkula as the distance between her place of residence at Rohtak to Panchkula is about 250 Kms.

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3. Despite service of notice upon respondent, none appeared on his behalf to assist the Court.

3. I have heard learned counsel for the applicant and have gone through the record of the case.

4. Keeping in view the contentions in the petition and the peculiar circumstances of the applicant-wife and the distance between place of her residence at Rohtak to Panchkula, it would be proper, appropriate and in the interest of applicant-wife, if the petition in question is transferred to the Court at District Rohtak.

5. Learned counsel for the applicant also relies upon Judgment of Hon'ble Apex Court in case titled **Sumita Singh vs. Kumar Sanjay and another, AIR 2002 SC 396**, wherein it is held that transfer of matrimonial proceedings initiated by the husband against wife, convenience of the wife ought to be looked into.

6. In the premise, present application is allowed. The petition in question pending before the Court of Principal Judge, Family Court, Panchkula is ordered to be withdrawn from that Court and is transferred to the District Judge, Rohtak for its disposal in accordance with law by the Court concerned.

06.01.2020

dharamvir

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No