

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.326 of 2021 (O&M)

Date of Decision: 01.11.2021

Sukhman Kaur @ Sunita

....Petitioner

VERSUS

Navtej Singh

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. T.S.Hundal, Advocate for the respondent.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

The present petition has been filed by the petitioner-wife seeking transfer of the petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights i.e HMA No.02 of 2021 titled as "*Navtej Singh Vs. Sukhman Kaur alias Sunita*" pending in the Court of Principal District Judge, Family Court Camp at Tehsil Payal, District Ludhiana to the Court of competent jurisdiction at Jalandhar.

Learned counsel for the petitioner would contend the distance the petitioner has to travel from her place of residence to Payal, District Ludhiana is about 80 kms. It is further the contention that a petition filed by the petitioner under Section 125 CrPC is already pending before the Family Court at Jalandhar for grant of maintenance and the respondent has been regularly putting in appearance in the said case. The petitioner is stated to be residing with her aged mother and that it is very difficult for her to travel to Payal, District Ludhiana on every date.

Learned counsel for the respondent has vehemently contended that the distance of 80 kms is hardly a distance and that the petitioner would be able to travel without any difficulty. He is, however, not in a position to deny the fact that the petition under Section 125 CrPC is pending

before the Family Court at Jalandhar and that the respondent has been regularly appearing in the said case.

I have heard learned counsel for the parties.

In view of the above and keeping in mind the fact that the petitioner in the present case is staying with her aged mother at Jalandhar and would have to travel 80 kms to the Family Court Camp at Tehsil Payal, District Ludhiana and also the fact that the petition filed by the petitioner under Section 125 CrPC is also pending before the learned Principal Judge, Family Court at Jalandhar for grant of maintenance, I deem it appropriate to allow the present petition and to transfer the petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rites i.e HMA No.02 of 2021 titled as "*Navtej Singh Vs. Sukhman Kaur alias Sunita*" pending in the Court of Principal District Judge, Family Court Camp at Tehsil Payal, District Ludhiana to the Court of competent jurisdiction at Jalandhar

The records of the case shall be sent by the concerned Court to the Court of learned District Judge, Jalandhar and the parties shall appear there on 14.12.2021 at 10.00 a.m.

The present petition is disposed off in the above terms.

November 01, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO