

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

TA No.593 of 2020

Date of Decision : 08.04.2021

Baljit Kaur

....Petitioner

Versus

Inderjit Singh

...Respondent

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Sukhmeet Singh, Advocate
for the petitioner.

Mr.Shakti Mehta, Advocate
for the respondent.

TEJINDER SINGH DHINDSA, J.(ORAL)

Instant application has been preferred under Section 24 CPC seeking transfer of a petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act for restitution of conjugal rights from the Court of Principal Judge Family Court, Patiala to a court of competent jurisdiction at Jalandhar.

Notice was issued in the instant application.

Written statement on behalf of the respondent has been filed and copy has been furnished to counsel opposite.

Counsel for the parties have been heard and pleadings on record have been perused.

It has gone uncontroverted that petitioner is currently residing at her parental house in Jalandhar. An application under Section 125 Cr.P.C. seeking maintenance has been instituted by the petitioner before the competent court at Jalandhar. Even the

contention raised on behalf of the petitioner as regards her having meager source of income and being dependent upon her parents is not seriously disputed by the respondent.

The distance between Patiala and Jalandhar is stated to be 150 Kilometers approximately.

Under such circumstances, it is the wife's convenience that ought to prevail. A reference in this regard may be made to an order passed by the Apex Court in *Sumita Singh v. Kumar Sanjay and another*, **AIR 2002 SC 396**.

In the considered view of this Court the circumstances noticed hereinabove are sufficient to make the instant transfer application absolute.

Application is allowed.

The petition under Section 9 of the Hindu Marriage Act, 1955 preferred by the respondent-husband is directed to be transferred to a court of competent jurisdiction at Jalandhar.

Towards compliance of this order parties are directed to appear before the Learned District Judge, Jalandhar on 05.05.2021.

It is clarified that the observations made by this Court in the present order would have no bearing on the proceedings initiated by the petitioner-wife under Section 125 Cr.P.C. seeking maintenance.

Application disposed of.

08.04.2021

dss

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned Yes

Whether reportable No