

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

TA-46-2021

Date of decision: 20.04.2022

Shweta Vig

.....Petitioner

versus

Kewal Krishan @ Anu

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Aayush Gupta, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

The marriage between the present petitioner/wife-Shweta Vig and respondent-Kewal Krishan @ Anu, was solemnized on 22.11.2010, out of which, a male child now aged around 8/9 years was borne to the couple.

The husband upon estrangement between them on 25.07.2020 filed a petition under Section 9 of the Hindu Marriage Act, 1955 bearing No. HMA/194/2020 titled as 'Kewal Krishan @ Anu versus Shweta Vig' pending in the Court of District Judge/Family Court, Pathankot, seeking restitution of conjugal rights and subsequent thereto, the wife filed a counter-petition by way of seeking dissolution of marriage by a decree of divorce

under Section 13 of the Hindu Marriage Act, 1955 titled as 'Shweta Vig versus kewal krishan' and, thereafter, had instituted a complaint under Section 12 of the Domestic Violence Act, 2005 titled as 'Shweta Vig versus Kewal Krishan and others' before the Illaqa Magistrate (Judicial), Ludhiana. Thus, from this all as on date, the parties are having three litigations amongst themselves. The husband is resident of Pathankot while the wife claims to be resident of Ludhiana. It is illustrative from these acts of the couple that the husband to assert his rights of restitution of conjugal rights has filed the petition and the wife to counter-blast the same, has set up subterfuge by way of other litigations which might ascend in numerical strength with the passage of time as is usually seen in matrimonial litigations. The husband cannot be penalized for asserting his claim of restitution of conjugal rights by acceding to the prayer of the wife or transfer of the said matter to Ludhiana but at the same time this Court to ensure that a balance is struck between the two sides and that mere husband is not made to traverse distance from Pathankot to Ludhiana and vice-versa the wife.

It would be in the fitness of things and in the interest of justice that this petition be transferred to a place which is equally

distant from Pathankot and Ludhiana and in light of the same, exercising its powers under Section 24 of CPC, this Court partly allows the present petition and order that the case bearing No. HMA/194/2020 titled as 'Kewal Krishan @ Anu versus Shweta Vig' pending in the Court of District Judge/Family Court, Pathankot be transferred from Pathankot to Jalandhar Sessions Division.

The matter be put up before the learned District and Sessions Judge/Principal Judge, Jalandhar who may either keep the matter with himself or entrust to some other Court of competent jurisdiction.

The present petition stands partly allowed.

(FATEH DEEP SINGH)
JUDGE

20.04.2022

Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No