

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA 332 of 2022 (O&M)

Date of Decision: April 01, 2022

Dimpi

...Petitioner

Versus

Amit Kumar

... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Sanjeev Kumar Uppal, Advocate
for the petitioner.

FATEH DEEP SINGH, J. (Oral)

This application under Section 24 of the CPC by the wife Dimpi seeking transfer for the matrimonial dispute instituted by the husband by way of a petition under Section 9 of Hindu Marriage Act 1955 bearing No. HMA 268 of 2021 titled as “**Amit Kumar Vs. Dimpi**” pending in the Court of Additional Principal Judge, Family Court-II, Jalandhar to a Court of appropriate Jurisdiction at Hoshiarpur is on the grounds that the wife has to travel a distance of 45 kilometers which is difficult for her being a lady.

During the course of submissions it is fairly conceded by the counsel for the petitioner-wife Mr. Sanjeeva Kumar Uppal that there are number of cases pending between the parties, i.e maintenance application under Section 125 Cr.P.C. filed by the wife at Hoshiarpur, a petition under Section 25 of the Guardian and Wards Act also at Hoshiarpur and the wife on the other hand is trying to seek transfer of the present matter filed by the husband for restitution of the conjugal rights.

No doubt as has been contended the couple is bestowed with two children out of this wedlock, a girl and a boy and that the husband has initially invoked the jurisdiction of the Court seeking restoration of conjugal rights and on the other hand the wife is instituting complaints against the husband and his family members before the police regarding a marriage which was solemnized way back in the year 2009 shows utter frustration that has crept into this relationship. The wife accepts the fact that she has parents with whom she is residing and therefore there are responsible persons to take care of the the

children. The pleadings are itself are suggestive how venomous the wife has attained and who has left no stone unturned to take revenge from the husband who has come to seek aid of the Court for restitution of his conjugal rights. Taking judicial notice of the admitted wrangling between the couple and relative distance between Jalandhar and Hoshiarpur not much helps out for the wife to seek such a relief and rather is purely adding another feather to their clamour for bringing about distress in the life of the other spouse. The Court should refrain from exercising its jurisdiction under Section 24 CPC on such frivolous pretext and finding no merits, the petition stands dismissed in *limine*.

April 01, 2022
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No