

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

TA-375-2022

Date of decision: 20.04.2022

Chatterbir Kaur

.....Petitioner

versus

Gursewak Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Nitish Garg, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

The applicant/wife-Chatterbir Kaur has invoked the jurisdiction of this Court under Section 24 of CPC and has preferred the same against the respondent/husband-Gursewak Singh seeking transfer of petition bearing No. HMA/119/2022 titled as 'Gursewak Singh versus Chatterbir Kaur' pending in the Court of learned Principal Judge, Family Court, SAS Nagar, District SAS Nagar Mohali under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights from the Court at SAS Nagar, Mohali to the Court of competent jurisdiction at Patiala.

The primary ground of the wife is of the relative

distance of 60 KMs claiming that it is because of the distance she is unable to attend the hearing and, hence, the prayer in question.

After hearing at length counsel for the petitioner, the couple has been bestowed with a girl child out of this wedlock and since then, they are at estrangement with each other. The wife had filed a petition under Sections 12 (1), 18, 19, 20 & 22 of the Protection of Women from Domestic Violence Act, 2005 titled as 'Chatterbir Kaur versus Gursewak Singh and others' before the learned Judicial Magistrate 1st Class, Patiala. Besides, the wife has filed an application seeking maintenance under Section 125 of Cr.P.C.

What one could decipher from the claim and the counter-claim of the parties that the husband is trying to seek his rights from the wife as a spouse by way of restitution of conjugal rights and to thwart the same, the wife is bent upon filing salvo after salvo through various litigations in the Court of law and it is this assertion of the right by the husband apparently has led the wife to thwart his efforts at the exercise of his rights under the law and, thus, desisting him from laying his claim arising out of this matrimony.

Mere distance to the mind of this Court is no

extraordinary circumstance for the exercise of these powers of transfer which is only in occasions of rarity and, thus, there being no merits in the present petition on the face of it, being wholly unsustainable, stands dismissed in limine.

20.04.2022*Neha***(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No