

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

TA-424-2022

Date of decision: 02.05.2022

Rajji

.....Petitioner

versus

Bal Bahadur Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Mandeep Singla, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

The applicant/wife-Rajji has come up in this application under Section 24 of the CPC seeking transfer of a petition bearing No. HMA/119/2022 dated 14.03.2022 under Section 9 of the Hindu Marriage Act, 1955 (in short 'the Act') from the Court of learned Principal Judge, Family Court, Faridkot to the competent Court at Moga.

The primary reasons set up are that the applicant has two minor daughters to look after and it is not possible for her to look after them and attend the hearings on each and every date.

Heard counsel for the petitioner and perused the records.

The marriage took place between the couple on 26.12.2011 and the only ground set up is the distance and the inability of the wife to attend the hearing. It is the husband as is there in the records who has invoked his right of restitution of conjugal rights and to controvert him, the wife had fired salvos by way of an application under Section 125 Cr.P.C. seeking maintenance, a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 is itself suggestive of the reticence by the wife in undergoing her obligations towards the marriage. It is a matter of common knowledge that distance between Faridkot and Moga is hardly of half an hour and not much of a distance and that too, when both the cities are adjoining each other and have been carved out of the erstwhile district of Faridkot. The Courts are supposed to be slow in entertaining such matters as it is the most misused provisions under the law that are being put to use by the fair sex obviously aimed at another ground to harass the poor husband, who is trying to seek his matrimonial rights. More so, being a civil litigation, presence of the petitioner is not necessitated on each and every date of hearing and she can instruct her counsel accordingly.

This Court does not find any ground to show

any indulgence and, thus, the present transfer application stands dismissed in limine.

02.05.2022
Neha

(FATEH DEEP SINGH)
JUDGE

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