

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

TA-459-2022

Date of decision: 10.05.2022

Anjali

.....Petitioner

versus

Sandeep Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

FATEH DEEP SINGH, J.

The applicant/wife-Anjali has come up in this application under Section 24 of the CPC seeking transfer of a petition bearing No. HMA/1152/2021 dated 10.11.2021 titled as 'Sandeep Kumar versus Anjali' under Section 9 of the Hindu Marriage Act, 1955 (in short 'the Act') from the Court of learned Principal Judge, Family Court, Karnal to the competent Court at Ambala.

The primary ground that has been set up is the inability of the applicant/wife to travel and contest the litigation.

Heard counsel for the petitioner and perused the records.

Apparently, the distance between the two places is hardly around 75 KMs and both the towns are on the main GT road with ample facilities of conveyance. More so, being a civil litigation, presence of the applicant at each and every date of hearing is not at all necessitated and she can instruct her counsel accordingly. The husband is trying to exercise his right of restitution of conjugal rights and the wife to thwart his efforts is trying to put him to more harassment by getting the matter transferred purely on a flimsy ground which does not appear to be of any material consequence. More so, provisions of Section 24 of CPC are to be sparingly used in exceptional circumstances and none is forthcoming in the present matter and, thus, there is no justifiable ground and the present transfer application, being hopelessly without merits, stands dismissed in limine.

10.05.2022*Neha***(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No