

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

TA No.1122 of 2019

Date of decision: 13th May, 2022

Deepak Kumari

... Applicant

Versus

Krishanpal Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vipin Mahajan, Advocate for the applicant.

FATEH DEEP SINGH, J.

Respondent husband Krishanpal Singh is shown to be resident of Tehsil Mukerian, District Hoshiarpur while the wife belongs to District Gurdaspur and who entered into this wedlock on 01.02.2014 out of which a male child was born to the couple in the year 2014. On account of estrangement, the wife left the company of the husband and thus, forcing him to institute petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of the conjugal rights (Annexure P2). The wife too was not left behind and had along with minor child instituted an application under Section 125 Cr.P.C. seeking maintenance from the husband in a Court at Gurdaspur. Through the present prayer in application under Section 24 of the CPC the wife has sought transfer of the petition under Section 9 of the Hindu Marriage Act, 1955 to a Court at Gurdaspur.

The only ground that has been canvassed and pleaded before this Court is the distance between the two places. It needs to be kept in

mind that the wife resides in village Dalla Gorian under Police Station Kahanuwan and the distance from Gurdaspur is only 26 kms. Both the places are well connected through metalled road.

The contentions of learned counsel for the applicant that the applicant wife may not be able to contest litigation because of her inability to travel to such a distance, is negated by her own stance as she admits that she is residing with her parents and thus, it would not be difficult to look after the child born out of this wedlock. More so, the wife herself has instituted litigation which she is looking after in a Court of law and there is neither any overwhelming stance pleaded or impressed upon this Court through submissions of the counsel which could be an exceptional circumstance to consider the prayer of the wife. What one can make out is that the present petition is nothing but a counterblast to the husband's exercise of his right to conjugal rights against the wife who has left his company. There is no circumstance necessitating intervention by this Court.

The transfer application being without any merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

May 13, 2022

rps

Whether speaking/reasoned Yes/No

Whether reportable Yes/No