



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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TA-710-2025 (O&M)

Date of decision: 26.05.2026

Renuka

...Petitioner(s)

Vs.

Subhash Kumar Bansal

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. A.K.Khunger, Advocate
for the petitioner.

Mr. Bharat Julka, Advocate as
Legal Aid Counsel,
for the respondent.

NIDHI GUPTA, J.

Prayer in this petition filed by petitioner-wife under Section 24 of Civil Procedure Code is for transfer of the petition filed by the respondent/husband bearing Case No. DMC/966/2020 titled as 'Subhash Kumar Bansal Versus Renuka' (Annexure P-4), under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights, from the Court of Ld. Principal Judge, Family Court, Bathinda, District Bathinda to the Ld. Principal Judge, Family Court, Fazilka, District Fazilka.

2. Learned counsel for the petitioner/wife seeks transfer of the above said Petition filed by the respondent/husband under Section 9 of the Hindu Marriage Act, 1955 (Annexure P-4) *inter alia* on account of the following grounds: -



- that the petitioner was previously employed as Clerk in the Civil Courts at Abohar as a regular employee;
- respondent was also working in the Civil Courts at Abohar;
- during their employment, respondent proposed to the petitioner for her marriage with the respondent, but the petitioner refused;
- petitioner was residing with her parents at Bathinda. So, she was coming to attend her duties by train or by bus;
- respondent was also permanent resident of Bathinda and was meeting the petitioner on the commute in train or bus;
- On 29.07.2020, respondent had fraudulently taken signatures of the petitioner on blank papers;
- Thereafter, respondent had filed CRWP-5585-2020 titled as 'Renuka and another vs. State of Punjab and others' for protection of life and liberty of the petitioner and the respondent;
- CRWP No. 5585-2020 titled as 'Renuka and another vs. State of Punjab and others' was disposed of by this Court on 05.08.2020 (Annexure P-1) while granting protection to the parties;
- that respondent also procured one Marriage Certificate regarding solemnization of marriage of the petitioner with respondent from Maata Kali Dera Niwaran Sabha, Fazilka;
- in actual matter, petitioner had never visited the aforesaid Sabha for solemnization of the marriage of the petitioner with the respondent;
- in view of the above fraud, petitioner had approached this Court vide application bearing No. CRM-W-1240-1241-2020 in CRWP-5585-2020 for recalling of the order dated 05.08.2020;
- the said application was disposed of by this Court vide order dated 18.12.2020 (Annexure P-2) with liberty to the petitioner to approach the Senior Superintendent of Police, Bathinda;
- thereafter, petitioner had moved application before the Senior Superintendent of Police, Bathinda specifically mentioning that the petitioner has no relationship with the respondent.



- However, as no action was taken by the police, petitioner had again approached this Court vide CRM-M-21900-2023 titled as 'Renuka Vs. State of Punjab and others'; which was disposed of vide order dated 02.05.2023 (Annexure P-3) directing the Senior Superintendent of Police, Bathinda to look into the complaints/representations of the petitioner.
- therefore, respondent has filed a false and fraudulent Petition under Section 9 of the Hindu Marriage Act (Annexure P-4) against the petitioner for restitution of conjugal rights.
- As the petitioner is now presently employed at Fazilka, she is unable to regularly travel to Bathinda which is at the distance of 100 k.m. one side.
- In view of the said fraudulent act, petitioner also faces threat to her life and liberty at the hands of the respondent.

3. It is accordingly prayed that on account of the above said reasons, the present Transfer Application be allowed; and the Petition filed by the respondent under Section 9 of the Hindu Marriage Act, 1955 pending before the Family Court, Bathinda, District Bathinda be transferred to Family Court, Fazilka, District Fazilka.

4. *Per contra*, learned counsel for the respondent vehemently opposes submissions of the petitioner on the following grounds: -

- Love marriage had taken place between the petitioner and the respondent on 19.06.2020;
- Parties were constrained to seek protection from this Court as parents of the petitioner were against the marriage between the petitioner and the respondent;
- Parties had filed CRWP No. 5585 of 2020 before this Court seeking protection which was provided vide order dated 05.08.2020;



- consequentially, parents had prevailed upon the petitioner and barely 3 months after the marriage, parents had taken the petitioner alongwith them on the pretext of meeting with other family members;
- petitioner is presently working as Reader Grade 3, in District Court Fazilka;
- petitioner is now permanently residing at Bathinda with her parents; and is regularly travelling to Fazilka Court to attend her duties.
- that in the Memo of parties of the present Transfer Application, petitioner has mentioned only her office address to mislead this Court. In any event, office address cannot be said to be her permanent address.
- petitioner is the legally wedded wife of the respondent as also evident from Marriage Photographs (Annexure R-1).
- petitioner and respondent have cohabited together as husband and wife.
- no child is born out of their wedlock.
- petitioner in her Affidavit dated 11.08.2020 (Annexure R-3) has admitted the marriage between the parties.
- the present Transfer Petition is a counter blast to the petition filed by the respondent under Section 9 of the Hindu Marriage Act.

5. It is accordingly prayed that the present Petition be dismissed being without merit.

6. No other argument has been made on behalf of learned counsel for the parties. I have heard Id. counsel and perused the case file in detail. I find merit in the submissions advanced on behalf of the respondent.

7. Irrespective of what the marital status of the parties may be, it is admitted fact on record that by her own saying, petitioner is presently

employed as Reader Grade 3 at Fazilka and presently working as Translator in District Court, Fazilka. Given the said fact, to maintain judicial propriety it will be inappropriate to transfer the case under Section 9 of the Hindu Marriage Act from District Bathinda to District Fazilka. Even otherwise, given the facts noted above, the present Transfer Application stands **dismissed**.

8. However, keeping in view the fact that Petition under Section 9 of the Hindu Marriage Act was filed by the respondent in the year 2020, learned Family Court is directed to dispose of the same expeditiously and preferably within a period of one year from the date of passing of the order.

9. Pending applications, if any, also stand dismissed.

26.05.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

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