

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA 173 of 2022 (O&M)

Date of Decision: May 26, 2022

Manpreet Kaur ...Petitioner
Versus
Gurbaksh Singh ... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Achin Gupta, Advocate
for the applicant.

Mr. G.S.Sidhu, Advocate
for the respondent.

FATEH DEEP SINGH, J. (Oral)

This invocation under Section 24 of the Code of Civil Procedure filed by the wife seeks transfer of petition under Section 9 of the Hindu Marriage Act titled as "**Gurbaksh Singh Vs. Manpreet Kaur**" (Annexure P/2) pending between the parties to this application in the Court of learned Principal Judge, Family Court, Bathinda Camp at Phul to the Court of competent jurisdiction at District Courts, Faridkot.

Upon hearing Mr. Achin Gupta, Advocate for the applicant and Mr. G.S. Sidhu, Advocate for the respondent and perusal of the records.

Admittedly the marriage between the parties was solemnized on 15.07.2012 and subsequently the couple fell apart leading to matrimonial dispute and filing of litigations against each other. The contentions of the petitioner wife that she is unable to look after the case and there is every likelihood that she may not get justice has been strongly controverted by the learned counsel for respondent Mr. G.S.Sidhu arguing that distance between Faridkot to Bathinda is approximately 60 kilometers and are adjoining districts.

Appreciating the submissions keeping in view that both the towns adjoin each other and are interconnected by the well metalled road with all types of conveyance and facilities being available and it is a preposterous preposition that petitioner might not be able to look after her proceedings. Being

a civil matter where presence of the applicant is not required and that the husband is trying to seek restoration of his rights of matrimonial relationship and the wife is trying to evade her obligations rather goes against the very conduct of the wife. The applicant wife can appropriately instruct her counsel whenever her presence is not essential and therefore mere such a small distance is no overwhelming reason for this Court to order transfer of the matter. The application being devoid of merits stands dismissed.

May 26, 2022

amit rana

(FATEH DEEP SINGH)

JUDGE

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