

5. In view of the above, the present writ petition is allowed and respondent Nos. 4 and 5 are directed to hand over the custody of the baby boy to the petitioner forthwith. It is open to respondent Nos. 4 and 5 to take steps to enforce any agreement, which they have, in an appropriate Court of law against the petitioner and her husband with regard to their claim for adoption of the said child. No costs.

Petition allowed.

PUNJAB AND HARYANA HIGH COURT

Before: Fateh Deep Singh, J.

TA 173 of 2022 (O&M)

Decided on: 26.05.2022

Manpreet Kaur

Petitioner

Versus

Gurbaksh Singh

Respondent

Present:

Mr. Achin Gupta, Advocate for the applicant.

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

Code of Civil Procedure, 1908 (V of 1908), Section 24 – Hindu Marriage Act, 1955 (25 of 1955), Section 9 – Restitution of conjugal rights petition – Transfer from Bathinda Camp at Phul to Faridkot – Distance between two town is 60 K.M – Both the towns adjoin each other and are interconnected by the well metalled road with all types of conveyance and facilities -- Being a civil matter, presence of the applicant is not required and 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 – Transfer application dismissed.

(Para 1-4)

FATEH DEEP SINGH, J. (ORAL) –

1. 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.

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

3. 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.

4. 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 proposition 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.

Application dismissed.

PUNJAB AND HARYANA HIGH COURT

Before: Sudhir Mittal, J.

CWP-12364-2022

Decided on: 31.05.2022

Krishan Singh

Petitioner

Versus

State of Haryana and others

Respondents

Present:

Mr. Ishant Khangwal, Advocate and Ms. Harshita, Advocate for the petitioner.

Haryana Land Revenue Act, 1887 (XVII of 1887), Section 16 – Constitution of India, Article 226, 227 -- Appointment of Lambardar -- Pendency of revision before Financial Commissioner – Stay declined -- Writ jurisdiction -- Petitioner confines his prayer for a direction to the Financial Commissioner to decide the pending revision petition – Writ petition disposed of with a direction to the concerned Financial Commissioner to dispose of the pending revision petition as early as possible and in any case within a period of one year.

(Para 1-4)

SUDHIR MITTAL, J. (ORAL) –

1. The Collector appointed the fifth respondent as the Lambardar. The petitioner appealed against the order and the appeal was allowed. It appears that thereafter, the petitioner was granted the Sanad Lambardari and he started functioning as Lambardar. The appellate order has been challenged by respondent No.5 by way of revision petition in which the appellate order has been stayed. Consequently, he applied for grant of Sanad Lambardari as he had been appointed as Lambardar by the Collector and the order passed by the Appellate Court had been stayed. Accordingly, Sanad Lambardari has been directed to be issued to the fifth respondent. Stay of the order sought