

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

Transfer Application No. 612 of 2012 (O&M)

Date of decision : 21.4.2015

Shashi Bala

.... Applicant

vs

Sanjeev Kumar

.... Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal.

Present: Mr. Gurmeet Singh, Advocate, for the applicant.

None for the respondent despite service.

Rajesh Bindal, J.

The prayer made in the present application filed by the wife is for transfer of petition titled as Sanjeev Kumar vs Shashi Bala filed by her husband under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights pending in the Court of Additional Civil Judge (Senior Division), Sunam, District Sangrur to the court of competent jurisdiction at Chandigarh.

The case was taken up twice, however, none has appeared for the respondent. Even on the last date of hearing, none appeared for the respondent. The matter was earlier sent to the Mediation and Conciliation Centre of this Court, however, could not be settled.

Learned counsel for the applicant submitted that a petition filed by the applicant for seeking custody of one of the children, born out of the wedlock, living with the husband, is pending consideration at Chandigarh. He further submitted that FIR was also got registered by the applicant under Sections 406/498-A IPC at Chandigarh. Earlier the respondent had filed a suit for declaration at Sunam. The same was transferred to Chandigarh by this Court vide order dated 29.8.2012 passed in TA No. 265 of 2012. As the respondent is appearing in the aforesaid litigation pending at Chandigarh, the petition for restitution of conjugal rights pending at Sunam also deserves to be transferred to Chandigarh. At present the applicant is living with her parents.

After considering the submissions made by learned counsel for the applicant with factual matrix noticed above, in my opinion, the petition for restitution of conjugal rights filed by the husband deserves to be transferred from Sunam to the court of competent jurisdiction at Chandigarh. Ordered accordingly. Parties are directed to appear before the Civil Judge (Senior Division), Chandigarh, on 16.5.2015 for further proceedings.

The application stands disposed of.

21.4.2015
vs

(Rajesh Bindal)
Judge