

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

**Transfer Application No. 904 of 2015
Date of Decision: 18.07.2017**

Gurminder Kaur

..... Applicant

Versus

Harnek Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: None for the applicant-wife.

Respondent/husband-Harnek Singh in person.

JASWANT SINGH, J. (ORAL)

Applicant-wife (Gurminder Kaur) is seeking the transfer of petition under Section 9 of Hindu Marriage Act, 1955, filed by her husband-Harnek Singh (respondent herein) for restitution of conjugal rights from the Court of Additional Civil Judge (Senior Division), Phagwara to the Court of competent jurisdiction at Yamuna Nagar at Jagadhri.

The marriage between the parties was solemnized on 16.04.2000 and a daughter out of the wedlock was born in June 2001 and a son in November 2006. Due to the matrimonial dispute, the wife/applicant alongwith two minor children has gone back to her parental home at Jagadhri, Yamuna Nagar. The wife is stated to have filed the proceedings under the Domestic Violence Act and also filed an application under Section 125 Cr.P.C. for maintenance in the Courts of Yamuna Nagar at Jagadhri, whereas the husband/respondent has filed a petition for restitution of conjugal rights at Phagwara.

The grievance is that the applicant-wife has to travel almost

whereas no prejudice would be caused to the husband, who is appearing in the maintenance proceedings pending in the Court of Yamuna Nagar at Jagadhari.

Upon notice, respondent/husband-Harnek Singh has appeared in person and states that he has no objection if the present petition is transferred to the Court of competent jurisdiction at Yamuna Nagar/Jagadhri. However, he has prayed for grant of some visitation rights to his children, which has not been allowed for the last four years.

The stand of the respondent-husband appears to be reasonable and, therefore, is accepted.

In view of the above, present transfer application is allowed and petition filed under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights by the respondent-husband against the applicant wife titled as '*Harnek Singh Versus Gurminder Kaur*' is ordered to be transferred from the Court of Additional Civil Judge (Senior Division), Phagwara to the Court of competent jurisdiction at Yamuna Nagar.

However, at the time of hearing, the competent court shall endeavour that the respondent-father has a fair opportunity to meet his children in the pending proceedings, apart from any proceedings filed for custody and visitation rights by the father.

Disposed of in the above terms.

July 18, 2017

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**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No