

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Transfer Application No. 347 of 2017

Date of Decision: September 15, 2017

Kamalpreet Kaur

..Applicant

Versus

Swaran Singh

..Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present:- Mr. K.S. Jetley, Advocate
for the applicant.

Mr. Deepak Aggarwal, Advocate
for the respondent.

REKHA MITTAL, J.(oral)

The applicant has approached this Court for transfer of petition filed under Section 9 of the Hindu Marriage Act, 1955 (in short HMA) by the respondent/husband from the Court at Bathinda to the Family Court at Ambala.

Counsel for the applicant has submitted that three litigations initiated at the behest of the applicant, referred to in para no.4 of the petition are pending in the Courts at Ambala and the respondent/husband has been contesting those proceedings. It is further submitted that in case the petition under Section 9 of HMA filed by the respondent is transferred from Bathinda to Ambala, it would create convenience for the applicant but no inconvenience for the respondent/husband.

Counsel representing the respondent has not disputed the factual controversy raised in the application particularly the factum of pendency of three litigations detailed in para 4 of the application in the Courts at Ambala.

In view of the above, it is expedient in the interest of justice that the petition filed by the respondent/husband seeking restitution of conjugal rights by invoking Section 9 of HMA is transferred from the Court at Bathinda to the Family Court at Ambala. However, the Family Court, Ambala would take up the application under Section 125 Cr.P.C. titled 'Kamalpreet Kaur Vs. Swaran Singh' (Annexure P-3) and the petition under Section 9 of HMA on the same day so that the respondent is saved from travelling from Bathinda to Ambala in these proceedings on separate dates.

With the aforesaid observations, the petition stands disposed of.

(REKHA MITTAL)
JUDGE

September 15, 2017
Sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No