

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

TA No. 888 of 2017(O&M)

Date of decision: 1.12.2017

Babaljeet KaurApplicant

VERSUS

Baljinder SinghRespondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. A.S. Kakkar, Advocate for the applicant.

REKHA MITTAL, J.(Oral)

Respondent has been served but remains unrepresented.

The applicant prays for transfer of petition under Section 9 of the Hindu Marriage Act, 1955 (in short 'the Act') titled **Baljinder Singh Vs. Babaljeet Kaur** filed by the respondent-husband from the Court of Additional Civil Judge (Senior Division) Phul, District Bathinda to a court of competent jurisdiction at Faridkot.

A relevant extract from order of notice of motion dated 25.10.2017, reads as follows:-

“Contends inter alia that the petitioner with her 4 years old daughter is living with her mother at Faridkot. Even, the petition filed by her for dissolution of marriage under Section 13 of the Hindu Marriage Act is pending at Faridkot, which is being duly contested by the respondenthusband. However, the respondent had subsequently filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights at Phul, District Bathinda and the matter is yet to progress as the petitioner had caused appearance only on the previous date of hearing i.e. 20.10.2017. Further, it is urged that as the distance

between the two stations is around 70 kilometers, it indeed would cause immense hardship to the petitioner to pursue the matter at Bathinda.”

The respondent has failed to cause appearance despite service, therefore, there is no counter to the averments raised in the application.

In view of the above, the aforesaid petition filed by the respondent is withdrawn from the Court of Additional Civil Judge (Senior Division), Phul, District Bathinda and transferred to the Court of District Judge, Family Court, Faridkot.

Disposed of accordingly.

DECEMBER 1, 2017
‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no