

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

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**CM-25527-CII-2018 in/and
TA-1009-2018
Date of Decision : 29.11.2018**

Monika Pahel Applicant

Versus

Sumit Sangwan Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Navneet Singh, Advocate
for the non-applicant-petitioner.

Mr. Vikas Tiwari, Advocate
for Mr. Sumit Sangwan, Advocate
for the respondent.

AJAY TEWARI, J. (ORAL)

CM-25527-CII-2018

For the reasons recorded, the application is allowed. The main case is preponed for hearing today itself. Reply filed by the respondent is taken on record. Copy has been supplied.

TA-1009-2018

This transfer application has been filed by the applicant-wife to transfer a petition under Section 9 of the Hindu Marriage Act, 1955 from the Family Court, Gurugram to a competent Court at Charkhi Dadri.

The ground taken is that the applicant has a young child and it is difficult for her to travel from Charkhi Dadri to Gurugram.

Counsel for the respondent states that he has no objection to this transfer application but the fact of the matter is that despite the responding has moved an application for custody/visitation, he has not been able to meet the child for the last 8 months.

Counsel for the petitioner states that in case the matter is transferred to Charkhi Dadri, the petitioner undertakes that she would bring the child at court premises on the date/s after school hours of which the respondent informs her notice in advance that he is attending so that the respondent can meet the child.

Counsel for the respondent has also expressed his satisfaction at this stage but states that this would be without prejudice to his rights to file application for more visitation/custody of the child under Section 26 of the Hindu Marriage Act. Allowed.

Counsel for the parties are agreed to this adhoc interim arrangement. In the circumstances, the transfer application is allowed in the above terms. The petition is transferred to the District and Sessions Judge, Charkhi Dadri. Parties through counsel are directed to appear before the District and Sessions Judge, Charkhi Dadri on 27.12.2018 who can try the case himself or mark the same to other competent court.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

November 29, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No