

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

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**TA No. 956 of 2017 (O&M)
Date of decision: 20.11.2018**

Nisha Jain

..Petitioner

Vs.

Gaurav Chaudhary

..Respondent

CORAM:HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Ramesh Malik, Advocate
for the petitioner.

Mr. Arun Sharma, Advocate
for the respondent.

AJAY TEWARI, J.(ORAL)

This petition is for transfer of the petition under Section 9 of Hindu Marriage Act, 1955 for restitution of the Conjugal Rights pending in the Court of District Judge Kurukshetra to Sonipat.

The ground taken is that the application under Section 125 Cr.P.C., filed by the applicant is pending at Sonipat and it is difficult for her to travel to Kurukshetra.

Counsel for the respondent states that as a matter of fact the applicant is not residing at the address mentioned in the memo of parties and respondent has no knowledge of the application under Section 125 Cr.P.C. which is stated to have been filed in the Sonipat. Counsel for the applicant states that this is a wrong statement and in fact the respondent has been declared ex parte in those maintenance proceedings and the case is now fixed for the ex parte evidence of the applicant on 29.01.2019 at Principal Judge Family Court, Sonapat.

Keeping in view comparative hardship test, I deem it appropriate to allow the application. The petition is transferred from the Court of District and Sessions Judge, Kurukshetra to the Court of District and Sessions, Judge, Sonapat who shall try the suit himself or make it to other competent Court.

Parties through their counsel are directed to appear before the said Court on 26.12.2018.

The application is allowed in above terms.

November 20, 2018

Poonam (II)

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No