

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

TA-411-2018 (O&M)

DATE OF DECISION :- December 17, 2018

MANPREET

...Applicant

Versus

HAPPY @ VISHAL

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. S.S. Tomar, Advocate
for the applicant.

Applicant Manpreet has filed the instant application seeking transfer of Petition under Section 9 of the Hindu Marriage Act, 1955 filed by her husband Happy @ Vishal against her having title 'Happy Vs. Manpreet' pending in the Court of Additional Civil Judge (Sr. Division), Amloh, District Fatehgarh Sahib to the Court of competent jurisdiction at Sonipat.

It is submitted that after getting married with respondent-Happy @ Vishal on 10.02.2008 the applicant-Manpreet presently aged about 30 years of age went to reside with him in the matrimonial home at Mandi Gobindgarh, Tehsil Amloh, District Fatehgarh Sahib. The marriage was solemnized according to Sikh rites and out of wedlock one male child namely Pransh was born on dated 05.05.2009.

The attitude of respondent and his family members with applicant was very cruel and demands of dowry were also made. She was

given beatings by the respondent and ultimately she was thrown out of the matrimonial home along with the minor son and now is residing with her parents at District Sonipat (Haryana).

Inter alia in the application it is contended that the applicant has been residing with her parents at Sonipat. Her husband has filed a petition under Section 9 of the Hindu Marriage Act 1955 for restitution of conjugal rights in the Court of Additional Civil Judge (Sr. Division), Amloh, District Fatehgarh Sahib. The applicant being a young woman of about 30 years of age, taking care of minor son aged about 09 years and having no source of income it is difficult for her to go from Sonipat to Amloh covering a distance of 240 kms on one side, as such the application be accepted.

Notice of the application was given to the respondent, who was duly served but has not opted to appear and offer a contest.

I have heard learned counsel for the applicant besides going through the record.

I am of view that the application calls for acceptance, the same is accordingly allowed. The petition filed under Section 9 of the Hindu Marriage Act 1955 for restitution of conjugal rights is ordered to be withdrawn from the Court of Additional Civil Judge (Sr. Division), Amloh, District Fatehgarh Sahib and transferred to the Court of District Judge, Family Court, Sonipat for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 22.1.2019. Copies of orders be sent to the Court of Additional Civil Judge (Sr. Division), Amloh, District Fatehgarh Sahib as

well as to the Court of District Judge, Family Court, Sonipat for information and necessary compliance.

(H.S. MADAAN)
JUDGE

December 17, 2018
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No