

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

T.A. No. 436 of 2018

DATE OF DECISION :- December 11, 2018

Isha Bagga

...Applicant

Versus

Rakesh Bagga

...Respondent

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

Present:- Mr. Sandeep Arora, Advocate for the applicant.

Applicant Isha Bagga, aged about 27 years, presently residing with her parents at Jalandhar on account of matrimonial discord with her husband Rakesh Bagga-respondent, resident of Amritsar is seeking transfer of petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights filed by her husband Rakesh Bagga against her having title 'Rakesh Bagga Vs. Isha Bagga' pending in the Court of District Judge, Amritsar to the Court of competent jurisdiction at Jalandhar.

According to the applicant, she being a young woman, it is difficult for her to cover a distance of about 80 kms between Jalandhar to Amritsar to attend the dates of hearing in the Court at Amritsar. She is not having any source of income and travelling expenses shall be a financial constraint upon her. Further more, two cases between the spouses are

pending in the Courts at Jalandhar, therefore, the petition in question be also ordered to be transferred to the Court of competent jurisdiction at Jalandhar.

Notice of the application was given to the respondent. As per office report, respondent has been 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 The petition in question is ordered to be withdrawn from the Court of District Judge, Amritsar and transferred to the Court of District Judge, Jalandhar for disposal in accordance with law. Learned District Judge, Jalandhar may retain the petition on his Board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 18.1.2019. Copies of orders be sent to the Court of District Judge, Amritsar as well as to the Court of District Judge, Jalandhar for information and necessary compliance.

(H.S. MADAAN)
JUDGE

December 11, 2018

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No