

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

T.A. No. 521 of 2018

DATE OF DECISION :- December 06, 2018

Neena

...Applicant

Versus

Sunil Kumar

...Respondent

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

Present:- Mr. S.P. Soi, Advocate for the applicant.

By way of filing the present application, applicant Neena seeks transfer of Petition under Section 9 of the Hindu Marriage Act for Restitution of Conjugal Rights filed by her husband Sunil Kumar, presently pending before Family Court, Ambala to the Court of competent jurisdiction at Patiala.

Interalia in the application it is contended that on account of matrimonial dispute between the parties, applicant Neena is residing with her parents at Patiala. The present applicant had filed a divorce petition against her husband-respondent which is pending in the Court at Patiala. Respondent in the present application had filed an application before this Court seeking transfer of divorce petition from Patiala to Ambala but the request was declined by this Court vide order dated 30.4.2018 passed in TA No. 1073 of 2017 (O&M), copy of which has been attached as Annexure P2. It is stated that the applicant being a woman having no adult male

member in the family to accompany her, it is difficult for her to travel to a distance of about 60 kms to attend the date of hearing in the Court at Ambala, therefore, the application be accepted.

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

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

I find merit in the application, therefore, the same is allowed. The petition in question is ordered to be withdrawn from Family Court, Ambala and transferred to the Court of District Judge, Patiala for disposal in accordance with law. Learned District Judge, Patiala 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 transfree Court on 17.1.2019. Copies of orders be sent to Family Court, Ambala as well as to the Court of District Judge, Patiala for information and necessary compliance.

(H.S. MADAAN)
JUDGE

December 06, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No