

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

TA-595-2018

Date of decision:-10.12.2018

Sonia

...Applicant

Versus

Gaurav Kumar

...Respondent

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

Present : Mr.Ankit Rana, Advocate
for the applicant.

Mr.Arn timer Sood, Advocate
for the respondent.

H.S. MADAAN, J.(ORAL)

Learned counsel for the applicant states that he has instructions to submit that applicant is not ready to have amicable settlement and that application be decided on merits.

Heard.

On behalf of the applicant, it is contended that after marriage between the parties on 25.4.2016, they started residing together at Amritsar. The marriage was consummated and applicant gave birth to a female child namely Baby Vanshika aged about 1 ½ years. On account

of differences having cropped up between the spouses, the applicant had to leave the matrimonial home along with the minor child and to fall back upon her parents residing at Hoshiarpur. Her husband has filed a petition under Section 9 of the Hindu Marriage Act, 1955 having title “Gaurav Kumar Versus Sonia” seeking restitution of conjugal rights, which is pending before Additional Civil Judge (Sr.Divn.), Amritsar. The applicant being a young woman of 26 years required to take care of minor daughter of the parties aged about 1 ½ years, having no source of income, it is difficult for her to go to Amritsar from Hoshiarpur covering a distance of about 110 kms. spending money towards travelling to attend the dates of hearing. Therefore, the application be allowed.

Notice of the application was issued to respondent, who put in appearance through counsel.

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

Keeping in view the contentions in the application and submissions made by learned counsel for the applicant, I am of the view that ends of justice demand that application be accepted.

Therefore, the application stands allowed and the petition in question pending in the Court of Additional Civil Judge (Sr.Divn.), Amritsar is ordered to be transferred to the Court of District & Sessions Judge, Hoshiarpur. Learned District & Sessions Judge, Hoshiarpur may keep the petition himself or assign it to any other court of competent jurisdiction. The parties are directed to appear before District & Sessions Judge, Hoshiarpur on 15.1.2019.

Copy of this order be sent to District & Sessions Judge,

Hoshiarpur as well as District & Sessions Judge, Amritsar for information and necessary compliance.

10.12.2018

Brij

**(H.S.MADAAN)
JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No