

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

T.A. No. 865 of 2018

DATE OF DECISION :- December 17, 2018

Komal

...Applicant

Versus

Amit Gupta

...Respondent

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

Present:- Mr. Rakesh Sobti, Advocate for the applicant.

Mr. Sumit Gupta, Advocate for the respondent.

By way of filing the present application, applicant Komal has filed the instant application seeking transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by her husband Amit Gupta against her having title 'Amit Gupta Vs. Komal' pending in the Court of Additional Civil Judge (Sr. Division), Ferozepur-Jhirka, District Nuh (Mewat) to the Court of competent jurisdiction at Palwal.

Inter alia in the application it is contended that after her marriage with the respondent, both the spouses started living together. The marriage was consummated and she gave birth to two children i.e. a daughter namely Pari born on 24.2.2013, presently aged about 5 years and a son namely Chirag born on 3.2.2017, aged about one year, at the time of filing the present application. On account of cruel behaviour of respondent and his family members with her, she had to leave the matrimonial home along with minor children and start residing with her parents at Palwal. Now the husband has filed a petition for restitution of

conjugal rights against her. She being a young woman of 24 years, having no source of income, taking care of two minor children of the parties, it is difficult for her to travel from Palwal to Ferozepur-Jhirka covering a distance of about 80 kms so as to attend the dates of hearing there, as such the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel. The application is being opposed on behalf of the respondent.

I have heard learned counsel for the parties 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 The petition in question is ordered to be withdrawn from the Court of Additional Civil Judge (Sr. Division), Ferozepur-Jhirka, District Nuh (Mewat) and transferred to the Court of District Judge, Palwal for disposal in accordance with law. Learned District Judge, Palwal 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 22.1.2019. Copies of orders be sent to the Court of Additional Civil Judge (Sr. Division), Ferozepur-Jhirka, District Nuh (Mewat) as well as to the Court of District Judge, Palwal for information and necessary compliance.

(H.S. MADAAN)
JUDGE

December 17, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No