

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

-.-

**TA No.605 of 2021 (O&M)**

**Date of Decision: 26.11.2021**

Priyanka Shastri

....Petitioner

**VERSUS**

Parkash Sharma

....Respondent

**CORAM: HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr. Silvester Stevan, Advocate for the petitioner.

Mr. L.M. Gulati, Advocate for the respondent.

**ALKA SARIN, J. (Oral)**

Heard in physical hearing.

The present petition under Section 24 of the Code of Civil Procedure, 1908 has been filed by the petitioner-wife seeking transfer of the petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'HM Act') for restitution of conjugal rights being HMA No.647 of 2020 titled as "*Parkash Sharma Vs. Priyanka Shastri*" pending in the Court of Principal Judge, Family Court, Amritsar to the Court of competent jurisdiction at SAS Nagar, Mohali.

Learned counsel for the petitioner would contend that presently the petitioner along with her two minor children is residing with her parents at SAS Nagar, Mohali and that she has to travel a distance of about 220 kms in order to attend the proceedings before the Family Court at Amritsar. It is further the contention that the proceedings in FIR No.124 dated 25.12.2020 registered under Sections 406/498-A IPC are also pending at SAS Nagar, Mohali.

Learned counsel for the respondent has vehemently argued that this is not a fit case for transfer.

I have heard learned counsel for the parties.

In view of the above and keeping in mind the fact that the petitioner has to travel approximately 220 kms one way to the Family Court at Amritsar to attend the proceedings under the HM Act and also the fact that proceedings in FIR No.124 dated 25.12.2020 registered under Sections 406/498-A IPC are also pending at SAS Nagar, Mohali, I deem it appropriate to allow the present petition and to transfer the petition filed by the respondent-husband under Section 9 of the HM Act for restitution of conjugal rights being HMA No.647 of 2020 titled as "*Parkash Sharma Vs. Priyanka Shastri*" pending in the Court of Principal Judge, Family Court, Amritsar to the Court of competent jurisdiction at SAS Nagar, Mohali.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, SAS Nagar, Mohali and the parties shall appear there on **10.01.2022** at 10.00 a.m.

The present petition is disposed off in the above terms.

**November 26, 2021**  
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**( ALKA SARIN )**  
**JUDGE**

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO