

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.835 of 2021(O&M)
Date of Decision: 02.11.2021

Jyoti

...Petitioner

VERSUS

Sandeep

...Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. R.K.Rana, Advocate for the petitioner.

Mr. Gourav Verma, Advocate for the respondent.

ALKA SARIN, J. (Oral)

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.121 of 2021 titled as "*Sandeep Vs. Jyoti*" pending in the Court of Principal Judge, Family Court, Panipat to the Court of competent jurisdiction at Ambala.

Learned counsel for the petitioner would contend that presently the petitioner is residing with her aged mother and brother at Ambala and that she has to travel a distance of about 118 kms in order to attend the proceedings before the Family Court at Panipat. Learned counsel for the petitioner further contends that the petitioner is 100% visually impaired/blind.

Learned counsel for the respondent has contended that there is a chance of an amicable settlement in this matter and hence the matter be referred to the Mediation Centre. The learned counsel is not in a position to dispute the fact that the petitioner is 100% visually impaired/blind.

I have heard learned counsel for the parties.

In view of the above and keeping in mind the fact that the petitioner-wife is 100% visually impaired/blind and also the fact that she has to travel approximately 118 kms to the Family Court at Panipat to attend the proceedings under the HM Act, 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.121 of 2021 titled as "*Sandeep Vs. Jyoti*" pending in the Court of Principal Judge, Family Court, Panipat to the Court of competent jurisdiction at the District Court, Ambala.

Since the learned counsel for the respondent has stated that there is a chance of an amicable settlement between the parties, the Court at Ambala shall first refer the matter to Mediation before proceeding with the matter.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Ambala and the parties shall appear there on 28.01.2022 at 10.00 a.m.

The present petition is disposed off in the above terms.

November 02, 2021
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(ALKA SARIN)
JUDGE

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