

TA No.844 of 2021(O&M)

Date of Decision: 09.11.2021

Reetika

....Petitioner

VERSUS

Kamaljeet

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Chanakya Batta, Advocate for the petitioner.

Mr. Chander Shekhar Singhal, 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 'HMA Act') for restitution of conjugal rights being HMA No.1101 of 2019 titled as "*Kamaljeet Vs. Reetika*" pending in the Court of Principal Judge, Family Court, Ambala to the Court of competent jurisdiction at Jalandhar.

Learned counsel for the petitioner would contend that presently the petitioner is residing with her parents at Phillaur and that she has to travel a distance of about 125 kms in order to attend the proceedings before the Family Court at Ambala. It is further the contention of learned counsel for the petitioner that a case filed by the petitioner under Section 125 CrPC is pending in the Family Court at Phillaur and a representation given to the Deputy Superintendent of Police, Phillaur is also pending before the Women Cell, Phillaur and the respondent has been regularly putting in appearance in the said case.

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.

I have heard learned counsel for the parties.

In view of the above and keeping in mind the fact that the petitioner-wife has to travel a distance of approximately 125 kms to the Family Court at Ambala in order to attend the proceedings under the HMA Act and also the fact that two cases i.e a petition under Section 125 CrPC and a complaint filed by the petitioner before the Deputy Superintendent of Police, Phillaur are pending at Phillaur, District Jalandhar, 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.1101 of 2019 titled as "*Kamaljeet Vs. Reetika*" pending in the Court of Principal Judge, Family Court, Ambala to the Court of competent jurisdiction at Jalandhar

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

The records of the case shall be sent by the concerned Court at Ambala to the Court of the learned District Judge, Jalandhar and the parties shall appear there on 06.12.2021 at 10.00 a.m.

The present petition is disposed off in the above terms.

November 09, 2021
tripti

(ALKA SARIN)
JUDGE

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