

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

**TA No. 83 of 2020 (O&M)
Date of decision: 08.07.2022**

Santosh

...Applicant

Versus

Jogi Ram

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. J. S. Gill, Advocate
for the applicant.

None for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this application is for transfer of petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 titled as ***Jogi Ram vs. Smt. Santosh***, which is pending in the Court of Additional District & Sessions Judge as Principal Judge, Family Court, Jind to a competent Court of law at Sirsa.

Despite issuance of repeated notices, respondent-husband is still unserved, which shows that he is evading the service.

Learned counsel for the applicant, at the very outset, submits that the applicant has already filed a petition under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights and the same is pending adjudication. It is further submitted that as a counter-blast to the petition filed by the applicant-wife, the respondent-husband has filed the aforesaid petition under Section 13 of the Hindu Marriage Act at Jind.

Learned counsel for the applicant further submits that the applicant has no independent source of income; she cannot engage a lawyer

and she cannot travel to & fro from Jind to contest the aforesaid case.

After hearing learned counsel for the applicant and perusing the record, the present application is allowed.

The petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 titled as ***Jogi Ram vs. Smt. Santosh***, which is pending in the Court of Additional District & Sessions Judge as Principal Judge, Family Court, Jind is directed to be transferred to a competent Court of law at Sirsa.

Liberty is granted to respondent-husband to revive this application in case he wants to contest the same, however, this will be subject to a condition that at the first instance, he will clear all the outstanding arrears, if any, in terms of any order passed in the proceedings under Section 125 Cr.P.C. and will also bring a demand draft of Rs. 25,000/- in favour of the applicant-wife towards the litigation expenses, in case she appears before the Court at Jind.

08.07.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No