

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

**TA No. 308 of 2019
Date of decision: 08.07.2022**

Amandeep Kaur

...Applicant

Versus

Harvinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Hemraj Bhardwaj, Advocate for
Mr. J. S. Khiva, 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 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights, titled as ***Harvinder Singh vs. Amandeep Kaur***, which is pending in the Court of ACJ (Sr. Division), Tohana to a competent Court of law at Mansa.

This application is pending since 2019 and while issuing notice of motion on 01.04.2019, the trial Court was directed to adjourn the case beyond the date fixed before this Court and the said order is still continuing. In the intervening period, the parties were directed to appear before the Mediation and Conciliation Centre of this Court, however, as per report of the Mediator, none of the parties appeared, therefore, the case has been returned to this Court.

Learned counsel for the applicant, at the very outset, submits that the applicant has filed a petition under Section 125 Cr.P.C., which is pending before the JMIC, Budhlada and FIR No. 16 dated 02.02.2019,

under Sections 498-A and 406 of the IPC has also been got registered by the applicant, which is also pending.

Since there is no representation on behalf of the respondent, 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 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights, titled as ***Harvinder Singh vs. Amandeep Kaur***, which is pending in the Court of ACJ (Sr. Division), Tohana is directed to be transferred to a competent Court of law at Mansa.

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 Tohana.

08.07.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No