

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

**TA No. 602 of 2022
Date of decision: 08.07.2022**

Poonam Gupta

...Applicant

Versus

Shagun

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ashish Grewal, Advocate
for the applicant.

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, bearing HMA No. 99/2022, dated 18.02.2022, titled as ***Shagun vs. Poonam Gupta***, which is pending in the Court of Principal District Judge (Family Court), Kaithal to a competent Court of law at Yamuna Nagar.

Learned counsel for the applicant, at the very outset, submits that the applicant has filed a petition under Section 125 Cr.P.C. at Yamuna Nagar on 07.04.2022 and the same is pending and as a counter-blast to the same, the respondent-husband has filed the aforesaid petition under Section 9 of the Hindu Marriage Act, 1955 at Kaithal.

Learned counsel for the applicant further submits that the applicant has no source of income; she cannot engage a lawyer and she cannot travel to & fro from Yamuna Nagar 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 9 of the Hindu Marriage Act, 1955 bearing HMA No. 99/2022, dated 18.02.2022, titled as ***Shagun vs. Poonam Gupta***, which is pending in the Court of Principal District Judge (Family Court), Kaithal is directed to transferred to a competent Court of law at Yamuna Nagar.

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 Kaithal.

08.07.2022*Waseem Ansari***(ARVIND SINGH SANGWAN)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*