

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU

CTA no. 34/2010
CMA no. 22/2010

Date of order: 23.11.2012

Jyoti Gupta v. Jatinder Gupta

Coram:

Hon'ble Mr. Justice M. M. Kumar, Chief Justice

Appearing counsel:

For the Petitioner(s) Mrs. Rozina Afzal, Advocate.

For the respondent(s) None.

- i) Whether to be reported in
Press, Journal/Media : Yes/No
ii/ Whether to be reported in
Digest/ Journal : Yes/No
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M. M. Kumar, CJ

1. The instant petition has been filed by the petitioner for transferring the petition under Section 9 of the Hindu Marriage Act, pending in the Court of learned Principal District Judge, Kathua to any Court of competent jurisdiction at Jammu. It is pertinent to mention that the respondent has sought the relief of restitution of conjugal rights with the petitioner through the medium of petition filed under Section 9 of the Hindu Marriage Act.

2. At the very outset learned counsel for the petitioner submitted that on the consensus of learned counsel for the parties, CTA no. 36/2010 and CMA no. 24/2012 was allowed by this Court and petition under Section 13 of the Hindu Marriage

Act between the same parties was transferred from the court of Principal District Judge, Kathua to the Court of Additional District Judge (Matrimonial) Cases, Jammu, therefore, the petition under Section 9 of the Act can also be heard at Jammu as it would be convenient for the petitioner who is living with her mother at Digiana Jammu.

3. I have heard learned counsel for the petitioner and have perused the record including the order passed by this Court in CTA no. 36/2010. It has come on record that the petition under Section 13 between the same parties has already been transferred to the Court of Additional District Judge (Matrimonial) Cases, Jammu, therefore, it will be in the interest of justice if petition under Section 9 of the Act is also heard by the same Court.

4. The application is accordingly allowed and proceedings in the case titled Jatinder Gupta v. Jyoti Gupta, (Petition U/S 9 of the Hindu Marriage Act), pending in the court of Principal District Judge Kathua, are ordered to be transferred to the Court of Additional District Judge (Matrimonial) Cases, Jammu. A copy of this order be sent to Principal District Judge Kathua for transmitting the record of the case to the transferee Court.

6. Parties are directed to appear before transferee Court on 29.12.2012.

(M. M. Kumar)
Chief Justice

JAAMU:
23.11.2012
Anil Raina, Secy.