

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

-.-

TA 620 of 2016 (O&M)

Date of decision: 28.09.2017

Jyoti Aneja

..... *Applicant*

Versus

Parveen Kumar Aneja

.....*Respondent*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Arun Sharma, Advocate
for the applicant

Mr. Manvinder Dalal, Advocate
for the respondent

-.-

Rekha Mittal, J. (Oral)

The applicant prays for transfer of petition under Section 13 of the Hindu Marriage Act, 1955 titled '*Parveen Kumar Aneja v Jyoti Aneja*' pending in the Court of District Judge, Ludhiana to a Court of Competent jurisdiction at Yamuna Nagar.

Counsel for the applicant has submitted that distance between the two places is approximately 250 kms, therefore, it is highly inconvenient for the applicant to defend the proceedings pending in the Court at Ludhiana.

Counsel for the respondent, on the contrary, has opposed the prayer of the applicant by contending that the marriage was solemnized in June 2001 and out of the wedlock, two children namely Bhawna and Suajal were born. Both the children are residing with the respondent, therefore, in

case the petition is transferred from Ludhiana to Yamuna Nagar, it would be of great hardship for the children who need constant care of their father in absence of their mother.

I have heard Counsel for the parties and perused the paper book.

Keeping in view physical distance between the two places coupled with the inconvenience likely to be caused to a female litigant, ordinarily prayer of the wife is accepted by the Court. In the case at hand, the children born out of the wedlock are being taken care of by the respondent-husband and family is residing at Ludhiana. In case the petition is transferred from the Court at Ludhiana to a Court of competent jurisdiction at Yamuna Nagar, the children would be the sufferer in absence of their father. Under the circumstances, it is appropriate if the petition is allowed to proceed at the place where the same is filed. The applicant may file an application for issuance of appropriate directions in the light of judgment of Hon'ble the Supreme Court of India ***Krishna Veni Nagam vs. Harish Nagam 2017(2) RCR(Civil) 358***. In case such an application is filed, the same shall be disposed of by the Court below before proceeding further in the matter.

With the aforesaid observations, the petition stands disposed of.

(Rekha Mittal)
Judge

28.09.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No