

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

TA No. 1033 of 2017(O&M)

Date of decision: 13.12.2017

Jyoti

....Applicant

VERSUS

Gurpreet Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vaibhav Narang, Advocate for the applicant.

REKHA MITTAL, J.(Oral)

The applicant prays for transfer of petition filed under Section 13 of the Hindu Marriage Act, 1955 (in short 'the Act') titled **Gurpreet Singh Vs. Jyoti** by the respondent-husband from the Court at Ludhiana to a court of competent jurisdiction at Amritsar.

Counsel for the applicant has submitted that three cases namely criminal complaint (Annexure P-1), complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (Annexure P-2) and application under Section 125 Cr.P.C. are pending in the Court at Amritsar, therefore, in case the petition under Section 13 of the Act is transferred to Amritsar, it may not be of any inconvenience for the respondent. Another submission made by counsel is that the applicant has lost her parents and she is residing with her brother.

Perusal of the averments made in the application makes it evident that a child born out of the wedlock on 06.09.2012 is being looked after by the respondent-husband. Petition under Section 13 of the Act

cannot be entertained and decided by either of the Courts seized of the three proceedings initiated at the behest of the applicant. Personal appearance of the applicant is not required on every date of hearing. There is direct transportation from Amritsar to Ludhiana. Under the circumstances, it would be appropriate that the petition is allowed to continue at the place where the same is filed. However, applicant is at liberty to file an application for issuance of appropriate directions in the light of judgment of Hon’ble the Supreme Court **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 in the light of aforesaid judgment and judgment of Hon’ble the Supreme Court in **Transfer Petition (Civil) No. 1278 of 2016 (Santhini vs. Vijaya Venketash) decided on 9.10.2017** before proceeding further with the matter.

With the aforesaid observations, the petition stands disposed of.

Before parting with this order, counsel for the applicant has made a submission that the parties may be referred to Mediation and Conciliation Centre of the Court. The applicant is at liberty to make a request for Mediation before the Court at Amritsar. In case any such request is made by the applicant, the trial Court shall put its best efforts for amicable settlement and if need be, they may be referred to the Mediation and Conciliation Centre at Amritsar.

DECEMBER 13, 2017
‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no