

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

TA No. 1034 of 2017(O&M)

Date of decision: 13.12.2017

Smt. Avlokita Sodhi

....Applicant

VERSUS

Nitin Puri

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Rajesh Kapila, 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 **Nitin Puri Vs. Smt. Avlokita Sodhi** by the respondent-husband from the Court of District Judge, Amritsar to a court of competent jurisdiction at Gurdaspur.

The inconvenience pleaded by the applicant is that she has the responsibility to look after the child aged about 2 years. The two litigations i.e. application under Section 125 Cr.P.C. and petition under Protection of Women from Domestic Violence Act, 2005 are stated to be pending at Gurdaspur.

The physical distance between the two places is approximately 60 KMs. The petition under Section 13 of the Act cannot be entertained and decided by the same Court seized of the two proceedings filed at the behest of the applicant. Personal appearance of the applicant is not required on every date of hearing. 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.

DECEMBER 13, 2017

'D. Gulati'

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no