

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

TA No. 1041 of 2017(O&M)

Date of decision: 14.12.2017

Bakshish Kaur

....Applicant

VERSUS

Harjit Kumar Takhi

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Akshay Chadha, Advocate for the applicant.

REKHA MITTAL, J.(Oral)

The applicant prays for transfer of petition filed under Section 9 of the Hindu Marriage Act, 1955 (in short 'the Act') titled **Harjit Kumar Vs. Bakshish Kaur** by the respondent-husband from the Court at Jalandhar to a court of competent jurisdiction at Ludhiana.

Counsel for the applicant would submit that two cases namely application under Section 125 Cr.P.C. and complaint under the Protection of Women from Domestic Violence Act, 2005 filed at the behest of the applicant are pending in the Court at Ludhiana and the respondent has caused appearance in the proceedings under the Protection of Women from Domestic Violence Act, 2005. It is further submitted that the applicant has got no source of income.

Indisputably, distance between the two places is approximately 60 KMs. The minor child aged about 4 years is in custody of the respondent. The petition under Section 9 of the Act by the respondent-husband was filed prior to proceedings initiated by the

applicant statedly pending in the Court at 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.

DECEMBER 14, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

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