

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

-.-

TA 1044 of 2017 (O&M)
Date of decision: 15.12.2017

Roopsi Mangi

.....*Applicant*

Versus

Varun Kumar Nirola

.....*Respondent*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Swarn Tiwana, Advocate
for the applicant

-.-

Rekha Mittal, J. (Oral)

The applicant prays for transfer of petition under Section 9 of the Hindu Marriage Act, 1955 (in short, HMA) titled '*Varun Kumar Nirola vs Roopsi Mangi*' filed by the respondent-husband from the Court of Civil Judge (Senior Division) Patiala to a Court of competent jurisdiction at Fatehgarh Sahib.

Counsel for the applicant has submitted that application under Section 125 of the Code of Criminal Procedure (in short, Cr.P.C.) filed by the applicant is pending in the Court at Fatehgarh Sahib. The applicant has lodged FIR 75 dated 04.06.2017 under Sections 406 and 498-A of the Indian Penal Code at Police Station Fatehgarh Sahib.

The physical distance between the two places is approximately 45 kms. Application under Section 125 Cr.P.C. and so also the aforesaid FIR has been filed subsequent to petition under Section 9 HMA filed by the husband. Under the circumstances, it is appropriate that the petition is

allowed to proceed at the place where the same is filed. However, the applicant may file an application before the Court below 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 in the light of aforesaid judgment and judgment of Hon'ble the Supreme Court ***Santhini v Vijaya Venketesh (Transfer Petition (Civil) 1278 of 2016, decided on 09.10.2017)*** before proceeding further with the matter.

With the aforesaid observations, the petition stands disposed of .

(Rekha Mittal)
Judge

15.12.2017
mohan bimbura

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