

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

204

TA-431-2017 (O&M)
Date of decision: 06.11.2017

ANJU @ MAMTA

...Applicant

Versus

MANAV BALI

...Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Krishan Sehajpal, Advocate for the applicant.

Mr. Manish Verma, Advocate for the respondent.

REKHA MITTAL, J. (Oral)

The applicant prays for transfer of petition titled **Manav Bali Vs. Anju @ Mamta** under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') from the Court of Additional District Judge, Panchkula to a Court of competent jurisdiction at Rupnagar.

Counsel for the applicant has submitted that two cases filed by the applicant i.e. application under Section 125 Cr.P.C. for maintenance and complaint under the provisions of Protection of Women from Domestic Violence Act, 2005 are pending in the Court(s) at Rupnagar. It is further submitted that the applicant has got no source of income to contest the litigation initiated by the respondent/husband.

Counsel for the respondent, on the other hand, would contend that the applicant is a resident of Morinda and distance between Morinda and Rupnagar is approximately 22 Kms viz-a-viz distance between Morinda and Panchkula being 47 Kms. Another submission made by counsel is that

the respondent filed petition under Section 13 of the Act in April, 2016 and the applicant instituted aforesaid litigations in the Court at Rupnagar subsequent thereto, may be with an intention to create a forum of her convenience.

There is no dispute about distance between Morinda and Rupnagar and so also between Morinda and Panchkula. Counsel for the applicant has not disputed that two litigations initiated at the behest of the applicant and pending in the Court at Rupnagar were filed subsequent to the petition under Section 13 of the Act by the respondent. The petition under Section 13 of the Act cannot be decided by the Courts wherein the litigations initiated at the behest of the applicant are pending. Under the circumstances, it is appropriate that the petition is allowed to continue at the place where the same is filed. However, the applicant may 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 by the applicant, the same shall be decided by the Court below in the light of aforesaid judgment and judgment of Hon'ble the Apex Court in **Transfer Petition (Civil) No.1278 of 2016 (Santhini Vs. Vijaya Venketash) decided on 09.10.2017** before proceeding further with the matter.

With the aforesaid observations, the application stands disposed of.

06.11.2017

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No