

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

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TA No.448 of 2017 (O&M)
Date of decision: 29.11.2017

Sushma

...Applicant

Versus

Sohit Kumar

...Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Preeti Sharma, Advocate for the applicant.

Mr. Pulkit Dagar, Advocate for the respondent.

REKHA MITTAL, J. (Oral)

The applicant prays for transfer of petition titled 'Sohit Kumar Vs. Sushma' filed under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') from the Court of District Judge, Family Court, Karnal to a Court of competent jurisdiction at Kaithal.

Counsel for the applicant has submitted that three cases filed by the applicant, referred to in para 6 of the petition, are pending in the Court at Kaithal and the respondent is contesting those proceedings. The applicant has taken admission in Rama Nursing College, Kutubpur (Kaithal) which is at a distance of 15 kms. from her residence. She has lost her father and there is no male member in her family to accompany her to Karnal.

Counsel for the respondent, on the other hand, would urge that the petition under Section 13 of the Act cannot be dealt with by any of the Courts, seized of the cases filed at the behest of applicant and pending at Kaithal. There is not much distance between Kaithal and Karnal. If the

applicant can visit the aforesaid college at a distance of 15 kms., her occasional visit to Karnal at a distance of 70 kms. cannot constitute a good ground for transfer of the case.

Be that as it may, physical distance between the two places is approximately 65/70 kms. The applicant is an educated girl who has joined some course in Rama Nursing College, Kutubpur (Kaithal). Her personal appearance is not required on each and every date of hearing in the petition. As has been rightly argued by counsel for the respondent that petition under Section 13 of the Act cannot be dealt with by any of the Courts seized of the cases filed at the behest of applicant. 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, 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.

29.11.2017

ashok

Whether speaking/reasoned:
Whether reportable:

(REKHA MITTAL)
JUDGE

Yes / No
Yes / No