

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

-.-

TA 458 of 2017

Date of decision: 22.12.2017

Sneha Saini

..... *Applicant*

Versus

Kuldeep Saini

..... *Respondent*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. R K Garg, Advocate
for the applicant

Mr. I S Pabla, Advocate
for the respondent

-.-

Rekha Mittal, J. (Oral)

Prayer in this application is for transfer of petition under Section 13 of the Hindu Marriage Act (in short, 'HMA') titled '*Kuldeep Saini vs Smt. Sneha Saini*' from the Court of Additional District Judge, Kurukshetra to a Court of competent jurisdiction at Ambala.

Counsel for the applicant has submitted that two litigations initiated at the behest of applicant namely proceedings under Sections 498-A, 323, 406 and 506 of the Indian Penal Code and complaint under the Protection of Women from Domestic Violence Act, 2005 are pending in the Courts at Ambala. The petition filed by the respondent seeking custody of the child, born out of the wedlock, is pending in the Court of District Judge, (Family Court), Ambala. The petition under Section 13 HMA filed by the respondent can be decided by the Family Court at Ambala. The applicant has responsibility to look after the child aged less than two years.

Counsel for the respondent, on the other hand, would urge that the applicant was earlier working with ACCENTURE in Bangalore till

08.12.2015. After availing maternity leave, she joined the same Company at Gurugram and was available there in March 2017. The child of the parties is being looked after by his maternal grand parents at Ambala.

Counsel for the applicant, in reply, would urge that the applicant is no longer in service and she is residing at Ambala, looking after the minor child personally.

Counsel for the respondent has not disputed that two litigations arising out of marital discord are pending in the Court at Ambala. The petition for custody of the minor child filed by the respondent is being dealt with by the District Judge, Family Court, Ambala. The petition under Section 13 HMA filed by the respondent can also be decided by the same Court. The applicant has responsibility to look after the minor, born out of the wedlock.

In view of the above, the instant petition is withdrawn from the Court at Kurukshetra and transferred to the Court of District Judge, Family Court, Ambala for disposal, in accordance with law. The District Judge, Family Court, Ambala shall ensure that both the cases namely petitions for custody of the child as well as divorce are fixed on the same date in order to avoid unnecessary inconvenience to the respondent.

(Rekha Mittal)
Judge

22.12.2017
mohan bimbura

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