

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

-.-

TA 466 of 2017 (O&M)

Date of decision: 13.11.2017

Sanju Yadav

..... Applicant

Versus

Ravinder Yadav and another

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Ajay Jain, Advocate
for the applicant

Mr. Amit Jain, Advocate
for respondent No. 1

-.-

Rekha Mittal, J. (Oral)

CM 23735 CII of 2017

Allowed as prayed for. Annexure P3 is taken on record.

Main case

The applicant-wife prays for transfer of petition filed under Section 13 of the Hindu Marriage Act, 1955 (in short, 'HMA') titled '*Ravinder Yadav v Sanju Yadav and another*' from the Court of District Judge (Family Court) Gurgaon to a Court of competent jurisdiction at Rewari.

Counsel for the applicant has submitted that two litigations between the parties namely application under Section 125 of the Code of Criminal Procedure filed by the applicant and petition under Section 25 of the Guardian and Wards Act, 1890 for custody of the minor child, born out

of the wedlock filed at the behest of respondent No. 1 are pending in the Courts at Rewari, therefore, in case petition under Section 13 HMA filed by the husband is transferred to the Court at Rewari, it may not result in inconvenience for respondent No. 1. It is further submitted that as the applicant has the responsibility to look after the minor child, it is difficult for her to attend proceedings pending in the Court at Gurgaon.

Counsel representing respondent No. 1 has not disputed factual assertions raised by the applicant but would state that the petition may be disposed of with liberty to file an application 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.***

Be that as it may, it is undisputed position of the case that two litigations, one filed at the behest of the applicant and the other at the instance of respondent No. 1 are pending in the Courts at Rewari. The applicant has the responsibility to look after the minor son aged less than three years. In the interest of substantial justice, the petition under Section 13 HMA titled '*Ravinder Yadav v Sanju Yadav and another*' pending in the Court of District Judge (Family Court) Gurgaon is withdrawn from the said Court and transferred to the Court of District Judge, Rewari. The District Judge, Rewari may keep the petition on his board or assign the same to a Court of competent jurisdiction.

With the aforesaid observations, the petition stands disposed of .

(Rekha Mittal)
Judge

13.11.2017
mohan bimbura

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