

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

204

TA-473-2017 (O&M)

Date of decision: 20.11.2017

SWEETY

...Applicant

Versus

BHARAT

...Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sandeep Singal, Advocate for the applicant.

Mr. Amit Khatkar, Advocate for the respondent.

REKHA MITTAL, J. (Oral)

The applicant prays for transfer of petition filed under Section 13 of the Hindu Marriage Act, 1955 (in short 'the Act') by the respondent-husband from the Court of District Judge, Family Court, Hisar to a Court of competent jurisdiction at Rohtak.

Counsel for the applicant would urge that besides physical distance of approximately 100 kms. between the two places, two litigations initiated at the behest of applicant i.e. application under Section 125 Cr.P.C. and complaint under Protection of Women from Domestic Violence Act, 2005 are pending in the Courts at Rohtak and Meham.

Counsel for the respondent has contested plea of the applicant on the premise that two minor children aged 7 and 4 years, born out of the wedlock are being looked after by the respondent. The applicant is resident of village Kharkara which is at a distance of more than 30 kms. from Rohtak.

Indisputably, two minor children of the parties are residing with the respondent. The applicant is not a resident of Rohtak but she is resident of village Kharkara which is at a distance of more than 30 kms. from Rohtak. 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.

20.11.2017

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No