

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

208

TA-481-2017 (O&M)

Date of decision: 03.11.2017

BALJIT KAUR

...Applicant

Versus

PARMVIR SINGH

...Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Nimanyu Gautam, Advocate for the applicant.

Mr. Arun Takhi, Advocate for the respondent.

REKHA MITTAL, J. (Oral)

The applicant prays for transfer of case bearing No.HMA/272/2017 titled **Paramvir Singh Vs. Baljit Kaur** filed under Section 13 of the Hindu Marriage Act, 1955 (for short 'the HMA') by the respondent from Hoshiarpur to a Court of competent jurisdiction at Jalandhar.

Counsel for the applicant would submit that two litigations initiated at the behest of the applicant are pending in the Court at Phillaur and in case petition under Section 13 of the HMA is transferred from the Court at Hoshiarpur to a Court at Jalandhar, she can be assisted by the same counsel who is representing her in the cases pending at Phillaur. Another submission made by counsel is that the respondent has not paid any maintenance to the applicant.

Counsel for the respondent, on the contrary, would urge that two litigations filed by the applicant at Phillaur were instituted subsequent to the petition under Section 13 of the HMA filed by the

respondent/husband. Further submitted that there is hardly any difference of distance between Phillaur and Jalandhar viz-a-viz Phillaur and Hoshiarpur.

The petition under Section 13 of the HMA cannot be transferred to a Court at Phillaur where two cases instituted by the applicant subsequent to the petition under Section 13 of the HMA filed by the husband are pending. The distance between village Shadipur of the applicant and Jalandhar is stated to be approximately 35 to 40 Kms. and distance between Hoshiarpur and village of the applicant is approximately 60/65 Kms.

As has been rightly argued by counsel for the respondent, the petition under Section 13 of the HMA cannot be transferred to a Court at Phillaur. In the given 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.

03.11.2017

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No