

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

-.-

TA 496 of 2017 (O&M)

Date of decision: 29.08.2017

Dolly

..... *Applicant*

Versus

Hari Om

..... *Respondent*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Munish Raj, Advocate
for the applicant

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Rekha Mittal, J. (Oral)

Prayer in this application is for transfer of petition (HMA 35/2016) under Section 9 of the Hindu Marriage Act, 1955 filed by the respondent-husband titled '*Hari Om v. Dolly*' pending in the Court of Additional Civil Judge (Senior Division) Mukerian to a Court of competent jurisdiction at Jalandhar.

Counsel for the applicant has submitted that the applicant has filed an application under Section 125 of the Code of Criminal Procedure for grant of maintenance on 19.07.2016 pending in the Court at Phillaur, in which the respondent has already caused appearance. The instant petition under Section 9 HMA was filed by the respondent on 01.07.2016 wherein the applicant has already caused appearance before the Court at Mukerian. It is further submitted that there is distance of 92 kms between the two places causing inconvenience for the applicant-wife to defend the proceedings pending at Mukerian.

The distance between the two places is approximately 90 kms. The applicant has already put in appearance before the Court at Mukerian. She has tried to create a forum of her convenience by filing application under Section 125 of the Code of Criminal Procedure subsequent in point of time. Under the circumstances, it would be appropriate if the petition is allowed to proceed at the place where the same is filed. However, the applicant may file an appropriate application before the Court for issuance of directions in the light of judgment of Hon'ble the Supreme Court of India in *Krishna Veni Nagam vs. Harish Nagam 2017(2) RCR(Civil) 358*. In case such an application is filed, the same shall be disposed of by the Court below before proceeding further with the trial.

The petition stands disposed of accordingly.

(Rekha Mittal)
Judge

29.08.2017
mohan bimbira

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