

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

TA-500-2017 (O&M)
Date of decision: 13.10.2017

SUMAN

...Applicant

Versus

MANMOHAN

...Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ashwani Gaur, Advocate for the applicant.

Mr. Sandeep Verma, Advocate for the respondent.

REKHA MITTAL, J. (Oral)

The applicant prays for transfer of petition titled Manmohan Vs. Smt. Suman filed under Section 13 of the Hindu Marriage Act, 1955 (in short 'the Act') pending in the Court of Additional District Judge, Rewari to a Court of competent jurisdiction at Gurgaon.

Counsel for the respondent has submitted that he is ready to settle the dispute by payment of lumpsum amount towards maintenance and permanent alimony. Counsel for the applicant would reply that the applicant is not agreeable for parting ways as there is a female child aged about 3 years, born out of the wedlock.

Counsel for the applicant has submitted that proceedings under Section 125 Cr.P.C. filed by the applicant are pending in the Court of District Judge, Family Court, Gurgaon and the petition under Section 13 of the Act filed by the respondent can be decided by the same Court. The

applicant has responsibility to look after the minor child, born out of the wedlock, therefore, in case petition under Section 13 of the Act is not transferred to the Court at Gurgaon, it would not only be inconvenient for the applicant but also for the minor child.

Counsel for the respondent has got no serious objection against transfer of the case to the Court at Gurgaon but would state that a direction may be issued to the District Judge, Family Court, Gurgaon to fix both the cases namely application under Section 125 Cr.P.C. and petition under Section 13 of the Act, on the same date.

In view of the above, the petition stands disposed of and the petition titled Manmohan Vs. Smt. Suman filed under Section 13 of the Act is withdrawn from the Court of Additional District Judge, Rewari and transferred to the Court of District Judge, Family Court, Gurgaon. The District Judge, Family Court, Gurgaon, is directed to fix both the cases i.e. under Section 125 Cr.P.C. and petition under Section 13 of the Act, on the same date.

13.10.2017

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No