

TA- 592 of 2017

Date of Decision: 21.8.2017

Ashu Rani

---Applicant

versus

Jaswinder Singh

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr.Rakesh Garg, Advocate
for the applicant**

Rekha Mittal, J.

The applicant prays for transfer of petition titled “Jaswinder Singh vs. Ashu Rani” filed by the respondent-husband for restitution of conjugal rights pending in the Court of Additional Civil Judge (Senior Division), Dhuri to a Court of competent jurisdiction at Nabha.

Counsel for the applicant has submitted that the respondent has filed the petition under Section 9 of the Hindu Marriage Act, 1955 (in short “HMA”) with a clear intent to cause harassment to the applicant. It is further submitted that application under Section 125 of the Code of Criminal Procedure filed by the applicant is pending in the Court of Sub Divisional Judicial Magistrate, Nabha wherein the respondent is intentionally avoiding service and appearance.

The distance between the two places is approximately 30 Kms. The petition under Section 9 HMA was filed prior in time viz-a-viz application under Section 125 Cr.P.C. filed by the applicant. The applicant has tried to create a forum of her convenience by filing petition under

Section 125 Cr.P.C. later in point of time. It would be appropriate that the petition is allowed to proceed at the place where the same was 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 by the applicant, the same shall be disposed of by the court below before proceeding further with the trial.

With the aforesaid observations, the petition stands disposed of.

(Rekha Mittal)
Judge

21.8.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No