

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

-.-

TA 597 of 2017

Date of decision: 30.11.2017

Kavita Devi

..... *Applicant*

Versus

Gulab Singh alias Jeet Singh

..... *Respondent*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Ms Alisha Soni, Advocate
for the applicant

Mr. Jai Bhagwan, Advocate
for the respondent

-.-

Rekha Mittal, J. (Oral)

Reply filed on behalf of the respondent in Court is taken on record.

Counsel for the applicant has submitted that two children, born out of the wedlock are residing with the applicant. She has already lost her father and is residing with her widowed mother. The petition under Section 13 of the Hindu Marriage Act, 1955 (in short, HMA) pending at Kaithal and petition under Section 9 HMA filed by the respondent-husband requires to be decided by the same Court to avoid contradictory findings.

Counsel for the respondent would state that there is not much physical distance between the two places and keeping in view convenience/inconvenience of both the parties, petition may be transferred to a Court situated at a place between Panipat and Kaithal.

Indisputably, two minor children born out of the wedlock are being looked after by the applicant-wife. The petition for divorce filed by the applicant is pending at Kaithal. It is expedient in the interest of justice that petition under Section 9 HMA filed by the respondent is decided by the same Court, seized of the petition for divorce.

In view of the above, petition titled *Gulab Singh alias Jeet Singh v Kavita Devi* (Annexure P2) is withdrawn from the Court of Panipat and entrusted to the Court of Additional District Judge, Kaithal which is seized of the petition under Section 13 HMA filed by the applicant.

Disposed of accordingly.

(Rekha Mittal)
Judge

30.11.2017
mohan bimbira

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