

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.618 of 2017

Date of Decision: 27.9.2017

Aarti

..Applicant

Vs.

Puran Chand @ Ram Gopal

..Respondent

CORAM: HON'BLE MRS.JUSTICE REKHA MITTAL

Present: Ms.Sukhpreet Kaur, Advocate for the applicant.

Mr.I.S.Pabla, Advocate for the respondent.

REKHA MITTAL, J.

The applicant prays for transfer of petition titled Puran Chand Vs. Arti under Section 9 of Hindu Marriage Act, 1955 filed by the respondent from the Court of Additional Civil Judge (Senior Division) Kalka, Panchkula to a Court of competent jurisdiction at Ambala.

Counsel for the applicant has submitted that an application under Section 125 Cr.P.C. for grant of maintenance has been filed by the petitioner and the same is pending in the Court at Ambala. The respondent till date has not paid any maintenance to the applicant, therefore, it is highly inconvenient for her to defend the proceedings pending at Kalka. The applicant is ready to settle the dispute with her husband.

Counsel for the respondent, on the other hand, would urge that the two children, born out of the wedlock, are being looked after by the respondent. The respondent is ready to rehabilitate the applicant in the matrimonial home, if she so agrees. The applicant has already engaged a

counsel and caused appearance before the Court at Kalka and the parties have been referred to Mediation and Conciliation Centre there to explore possibility of an amicable settlement.

The physical distance between the two places is approximately 70 kilometres. The respondent-husband is looking after two minor children born out of the wedlock. The respondent is even ready to resume co-habitation, if the applicant so agrees. The parties have already been referred to Mediation and Conciliation Centre at Kalka. Under the circumstances, it is appropriate that the petition is allowed to continue at the place where the same is filed. However, 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 by the applicant, the same shall be disposed of by the Court below before proceeding further with the matter.

With the aforesaid observations, the petition stands disposed of.

27.9.2017
Meenu

(Rekha Mittal)
Judge

Whether speaking/reasoned - Yes/No
Whether Reportable - Yes/No