

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

-.-

TA 627 of 2017 (O&M)

Date of decision: 08.11.2017

Anju

..... Applicant

Versus

Sandeep Mann

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Anil Kumar Bhardwaj, Advocate
for the applicant

-.-

Rekha Mittal, J. (Oral)

The applicant prays for transfer of petition No. HMA 313/17 filed under Sections 13, 26 and 27 of the Hindu Marriage Act, 1955 pending in the Court of District Judge (Family Court), Karnal to a Court of competent jurisdiction at Sonapat.

The only inconvenience pleaded by the applicant-wife is that she is mentally unbalanced due to marital disharmony and having been deprived of custody of two minor children, born out of the wedlock, therefore, it is difficult for her to pursue the litigation pending in the Court at Karnal. Another submission made by counsel is that the applicant is getting treatment from PGI, Rohtak sufficient to substantiate her plea with regard to her ill health.

The applicant is a resident of village Khanpur Kalan, Tehsil Gohana, District Sonapat..

Counsel for the applicant is not certain about distance of

Village Khanpur Kalan from Sonapat but it remains a fact that she has to travel from her village to Sonapat in case, the case is transferred to Sonapat. The distance between her village and Karnal is approximately 75 kms. The two children, born out of the wedlock are being taken care of by the respondent-husband and one of the children is aged about 10 months. Even the application for transfer has been filed by the applicant herself who has also filed an affidavit in support thereof. Under the circumstance, it is appropriate that the petition is allowed to proceed at the place where the same is filed. However, the applicant may file an application before the Court below for issuance of appropriate directions in the light of judgments of Hon'ble the Supreme Court of India ***Krishna Veni Nagam vs. Harish Nagam 2017(2) RCR(Civil) 358*** and ***Santhini v Vijaya Venketesh (Transfer Petition (Civil) 1278 of 2016, decided on 09.10.2017)***. In case such an application is filed, the same shall be disposed of by the Court before proceeding further in the matter.

With the aforesaid observations, the petition stands disposed of .

(Rekha Mittal)
Judge

08.11.2017
mohan bimbira

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