

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

TA No. 701 of 2017(O&M)

Date of decision: 1.9.2017

ChandniApplicant

VERSUS

Rajesh KumarRespondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sandeep Arora, Advocate for the applicant.

REKHA MITTAL, J.(Oral)

The applicant prays for transfer of divorce petition under Section 13 of the Hindu Marriage Act, 1955 (in short 'the Act') titled **Rajesh Kumar Vs. Chandni** filed by respondent - husband from the Court of Additional District Judge, Amritsar to a Court of competent jurisdiction at Jalandhar.

Counsel for the applicant has submitted that besides physical distance between the two places which is approximately 90 KMs, two litigations namely application under Section 125 Cr.P.C. and complaint under the Protection of Women from Domestic Violence Act, 2005 initiated at the behest of the applicant are pending in the Court at Jalandhar and notice of the said cases have already been issued to the respondent.

The petition under Section 13 of the Act was filed by the husband in January, 2017 but the two cases referred to in the petition were filed by the applicant later in point of time. It appears that the applicant has sought to create a forum of her convenience by filing two cases in the

Court at Jalandhar subsequent to the petition under Section 13 of the Act filed by the husband. Under the circumstances, it is appropriate that the petition is allowed to continue at the place where the same is filed. However, applicant is at liberty to file an appropriate application for issuance of directions in the light of judgment of Hon’ble the Supreme Court 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 matter.

With the aforesaid observations, the petition stands disposed of.

SEPTEMBER 1, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no