

T.A.No. 705 of 2017

Date of Decision: 25.8.2017

Gurvinder Kaur

---Applicant

versus

Vinderjeet Singh

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. PKS Phoolka, Advocate
for the applicant

Rekha Mittal, J.

The applicant prays for transfer of petition under Section 9 of the Hindu Marriage Act, 1955 (in short “the Act”) filed by the respondent-husband from the Court at Muktsar to a Court of competent jurisdiction at Bathinda.

The inconvenience pleaded by the applicant is that distance between the two places is approximately 48 kms and the applicant has a child aged about one year to look after. In addition, it is argued that application filed by the respondent for setting aside the ex parte order passed in proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005 is pending in the Court at Bathinda.

Concededly, physical distance between two places is approximately 48 Kms. Personal appearance of the applicant is not required on each and every date of hearing. 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 application is disposed of.

(Rekha Mittal)
Judge

25.8.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No