

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

-.-

TA 776 of 2017 (O&M)

Date of decision:18.09.2017

Mukesh

..... Applicant

Versus

Vinod Kumar

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Anurag Gupta, Advocate
for the applicant

-.-

Rekha Mittal, J. (Oral)

Prayer in this application is for transfer of petition filed under Section 13 of the Hindu Marriage Act, 1955 (in short, 'HMA') by the respondent-husband pending in the Court of District Judge (Family Court) Hisar to a Court of competent jurisdiction at Kaithal

Counsel for the applicant has submitted that three litigations initiated at the behest of the applicant remained pending in the Courts at Kaithal and at present, an application for execution of order dated 30.07.2014 passed in the proceedings under Section 12 of the Protection of Women from **Domestic Violence Act, 2005** is pending in the Court at Kaithal. It is further submitted that the applicant has the responsibility to look after 14 years old boy, born out of the wedlock, therefore, it is expedient in the interest of justice that petition under Section 13 HMA pending in the Court at Hisar be transferred to a Court of competent jurisdiction at Kaithal.

Indisputably, the litigation initiated at the behest of the applicant has already culminated adjudication. On a query by the Court, counsel would inform that the criminal litigation started by the applicant for offence punishable under Sections 406 and 498-A of the Indian Penal Code has resulted in acquittal of the respondent. The personal appearance of the applicant is not required on each and every date of hearing. Under the circumstances, it would be appropriate if the petition is allowed to proceed at the place where the same is filed. However, the applicant is at liberty to file an appropriate application before the Court below for grant of maintenance as well as travelling expenses etc. in view 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, the same shall be disposed of by the Court below expeditiously before proceeding further in the matter.

With the aforesaid observations, the petition stands disposed of.

(Rekha Mittal)
Judge

18.09.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No