

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

TA No. 820 of 2017(O&M)

Date of decision: 28.9.2017

Anita Rani

....Applicant

VERSUS

DC

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Achin Gupta, Advocate for the applicant.

REKHA MITTAL, J.(Oral)

The applicant prays for transfer of petition under Section 13 of the Hindu Marriage Act, 1955 (in short 'the Act') titled **DC vs. Anita Rani** filed by respondent - husband from the Court of District Judge, Sri Muktsar Sahib to a Court of competent jurisdiction at Faridkot.

Counsel for the applicant has submitted that on an earlier occasion, the respondent filed a petition under Section 9 of the Act at Faridkot in 2015 but later the same was withdrawn on 09.01.2017. It is further submitted that in place of filing petition under Section 13 of the Act at Faridkot, he has filed the petition at Sri Muktsar Sahib. Another litigation under Protection of Women from Domestic Violence Act, 2005 (in short 'D.V. Act.') is stated to be pending at Faridkot in which the respondent-husband has caused appearance.

The physical distance between the two places is approximately 30/35 KMs. The petition under Section 13 of the Act and the proceedings under the D.V. Act are to be decided by different Courts.

Personal appearance of the applicant is not required in petition under

Section 13 of the Act. 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 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.

SEPTEMBER 28, 2017
‘D. Gulati’

(REKHA MITTAL)
JUDGE

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