

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

TA No. 823 of 2017(O&M)

Date of decision: 27.9.2017

Saneela

....Applicant

VERSUS

Stalin

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sandeep Saini, Advocate for
Mr. Sumit 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 **Stalin Vs. Saneela** filed by respondent - husband from the Court of District Judge, Family Court, Karnal to a Court of competent jurisdiction at Rohtak.

Counsel for the applicant has submitted that besides physical distance of approximately 130 KMs between the two places, two litigations initiated at the behest of applicant namely application under Section 125 Cr.P.C. and petition under Section 7 of the Guardians and Wards Act, 1890 for custody of minor children are pending in the Court of District Judge, Family Court Rohtak.

The two children for whose custody the applicant has invoked the relevant provisions of Guardians and Wards Act are admittedly residing at Karnal and being looked after by the respondent-husband. It would be a moot point before the Court if the said petition can be tried by the Court at Rohtak. The proceedings under Section 13 of the Act do not require personal appearance of a party on each and every date of hearing.

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 grant of maintenance, travelling expenses and issuance of other 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 27, 2017

'D. Gulati'

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no