

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

TA No. 833 of 2017(O&M)

Date of decision: 7.10.2017

Shashi Kiran

....Applicant

VERSUS

Navjot Kumar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Jasraj Singh, Advocate for the applicant.

REKHA MITTAL, J.(Oral)

The applicant prays for transfer of petition filed under Section 9 of the Hindu Marriage Act, 1955 (in short 'the Act') titled **Navjot Kumar vs. Shashi Kiran** by the respondent-husband from the Family Court, Shaheed Bhagat Singh Nagar to a Court of competent jurisdiction at Hoshiarpur.

Counsel for the applicant has submitted that two litigations initiated at the behest of the applicant namely complaint under Protection of Women from Domestic Violence Act, 2005 and application under Section 125 Cr.P.C., referred to in para 7 and 8 of the petition are pending in the Court at Hoshiarpur. It is further submitted that a female child aged about 3 years born out of the wedlock is in custody of the applicant. It is prayed that in order to enable the applicant to defend the proceedings effectively and without any inconvenience, aforesaid petition may be transferred.

The applicant is a working woman and the application under Section 125 Cr.P.C. has been filed with regard to maintenance of the child only. The physical distance between the two places is approximately 65 KMs. On a query by the Court, counsel has fairly informed that the two litigations sought to be pressed into service were filed by the applicant subsequent to the petition under Section 9 of the Act had been filed by the husband. Under the circumstances, it would be 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 **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.

OCTOBER 7, 2017

'D. Gulati'

(REKHA MITTAL)
JUDGE

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