

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

-.-

TA 868 of 2017 (O&M)

Date of decision: 12.10.2017

Reetu

..... Applicant

Versus

Deepak

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Sanjiv Sheoran, 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, HMA) titled '*Deepak vs Reetu*' from the Court of District Judge, Family Court, Gurgaon to a Court of competent jurisdiction at Jind.

Counsel for the applicant has submitted that besides physical distance of approximately 350 kms between the two places, two cases namely complaint under the Protection of Women from Domestic Violence Act, 2005 and criminal proceedings pertaining to FIR 39 dated 11.07.2016 are pending in the Courts at Jind and the respondent is attending to those proceedings.

Perusal of the averments set up in the application would make it evident that a child was born out of the wedlock on 03.06.2014 and the child is being looked after by the respondent-husband. There is nothing on record suggestive of the fact that the applicant - mother has even filed any

petition seeking custody of the child. Under the circumstances, it is 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 application before the Court below for issuance of appropriate directions in the light of judgments of Hon'ble the Supreme Court of India ***Krishna Veni Nagam vs. Harish Nagam 2017(2) RCR(Civil) 358*** and ***Santhini v Vijaya Venketesh (Transfer Petition (Civil) 1278 of 2016, decided on 09.10.2017)***. In case such an application is filed, the same shall be disposed of by the Court below before proceeding further in the matter.

With the aforesaid observations, the petition stands disposed of.

(Rekha Mittal)
Judge

12.10.2017
mohan bimbira

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