

T.A.No. 870 of 2017(O&M)
Date of Decision: 13.10.2017

Jaspal Kaur

---Applicant

versus

Tarsem Singh

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. S.S.Gurna, Advocate
for the applicant**

Rekha Mittal, J.

The applicant prays for transfer of petition titled “Tarsem Singh vs. Jaspal Kaur” under Section 9 of the Hindu Marriage Act, 1955 from the Court of Additional Civil Judge (Senior Division), Fatehgarh Sahib to a Court of competent jurisdiction at Patiala.

Counsel for the applicant has submitted that the applicant has the responsibility to look after a child aged about two years, born out of wedlock creating difficulty for her to defend the proceedings pending at Fatehgarh Sahib.

Indisputably, physical distance between the two places is approximately 40/45 kms. The personal appearance is not required on each and every date of hearing. Under the circumstances, proceedings are allowed to proceed at the place where the same were filed. However, the applicant may file an appropriate application before the Court for issuance of directions in the light of judgments of Hon'ble the Supreme Court of India in Transfer Petition (Civil)No. 1278 of 2016 (**Santhini vs. Vijaya**

Venketash) decided on 9.10.2017 and **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 before proceeding further with the trial.

With the aforesaid observations, the application is disposed of.

(Rekha Mittal)
Judge

13.10.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No