

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

-.-

TA 895 of 2017 (O&M)

Date of decision: 09.11.2017

Neetu

..... Applicant

Versus

Vikas Yadav

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Rakesh Kumar Sharma, Advocate
for the applicant

-.-

Rekha Mittal, J. (Oral)

The applicant-wife prays for transfer of petition bearing No. 1860/2017 filed under Section 13 (1) (1-A) of the Hindu Marriage Act, 1955 (in short, 'HMA') titled '*Vikas Yadav v Neetu*' (Annexure P2) from the Court of District Judge (Family Court) Faridabad to a Court of competent jurisdiction at Gurugram.

The only plea raised by the applicant is that two cases filed by her namely proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005 and criminal trial pertaining to FIR No. 839 dated 06.12.2016 registered under Sections 498-A, 406, 323 and 506 of Indian Penal Code at Police Station Civil Lines, Gurugram are pending in the Court at Gurugram, therefore, transfer of the petition under Section 13 HMA from Faridabad to Gurugram may not result in inconvenience for the respondent-husband.

The physical distance between the two places is approximately

40/42 kms. There is no child out of the wedlock. The petition under Section 13 HMA cannot be decided by the same Court which is seized of the aforesaid litigations initiated by the applicant. Under the circumstances, it is appropriate that the petition is allowed to proceed at the place where the same is filed. However, the applicant may file an application before the Court below for issuance of appropriate directions in the light of judgment of Hon'ble the Supreme Court of India ***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 in the light of aforesaid judgment and judgment of Hon'ble the Supreme Court in ***Santhini v Vijaya Venketesh (Transfer Petition (Civil) 1278 of 2016, decided on 09.10.2017)*** before proceeding further with the matter.

With the aforesaid observations, the petition stands disposed of .

(Rekha Mittal)
Judge

09.11.2017
mohan bimbura

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