

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

TA No. 930 of 2017(O&M)

Date of decision: 6.11.2017

Sarita Devi

....Applicant

VERSUS

Surinder Kumar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Robin Dutt, Advocate for the applicant.

REKHA MITTAL, J.(Oral)

The applicant prays for transfer of petition filed under Section 13 of the Hindu Marriage Act, 1955 (in short 'the Act') titled **Surinder Kumar Vs. Sarita Devi** by the respondent-husband from the Court of Additional District Judge, Kurukshetra to the Court at Yamuna Nagar at Jagadhari.

Counsel for the applicant has submitted that besides physical distance of more than 100 KMs between the two places, petition under Section 9 of the Hindu Marriage Act, 1955 (in short 'the Act') (Annexure P-2) filed by the applicant in October 2017 is pending in the Court of District Judge Yamuna Nagar at Jagadhari.

The petition under Section 9 of the Act filed by the applicant appears to have been filed subsequent to the petition under Section 13 of the Act filed by the respondent-husband. Indisputably, two minor children namely Arti and Kulwinder born out of the wedlock are residing with the respondent-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 application for issuance of appropriate 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 in the light of aforesaid judgment and judgment of Hon'ble the Supreme Court in **Transfer Petition (Civil) No. 1278 of 2016 (Santhini vs. Vijaya Venketash) decided on 9.10.2017** before proceeding further with the matter.

With the aforesaid observations, the petition stands disposed of.

NOVEMBER 6, 2017

'D. Gulati'

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no