

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

106

TA-931-2017 (O&M)
Date of decision: 06.11.2017

PUSHPA

...Applicant

Versus

AJAY

...Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. S.R. Hooda, Advocate for the applicant.

REKHA MITTAL, J. (Oral)

The applicant prays for transfer of petition under Section 10 of the Hindu Marriage Act, 1955 (for short 'the Act') from the Court of Additional District Judge, Jhajjar to a Court of competent jurisdiction at Sonapat.

Counsel for the applicant has submitted that in view of physical distance of approximately 100 Kms between the two places, it is difficult for the applicant to pursue the proceedings pending in the Court at Jhajjar. Another submission made by counsel is that the applicant has initiated the proceedings under Protection of Women from Domestic Violence Act, 2005, pending in the Court at Sonapat.

It is undisputed position of the case that there is one child born out of the wedlock on 02.02.2004 and he is not residing with the applicant. The petition under Section 10 of the Act filed by the husband in January, 2016 is pending for recording evidence of the respondent/husband after completion of pleadings. The applicant is represented by a counsel before

the Court at Jhajjar. Her personal appearance is not required on each and every date of hearing in the petition. The petition under Section 10 of the Act cannot be decided by the same Court which is seized of proceedings under the Protection of Women from Domestic Violence Act, 2005. Under the circumstances, it is appropriate that the petition is allowed to continue at the place where the same is filed. However, the applicant may 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 decided by the Court below in the light of aforesaid judgment and judgment of Hon'ble the Apex Court in **Transfer Petition (Civil) No.1278 of 2016 (Santhini Vs. Vijaya Venketash) decided on 09.10.2017** before proceeding further with the matter.

With the aforesaid observations, the application stands disposed of.

06.11.2017

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No