

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

TA No. 952 of 2017(O&M)

Date of decision: 13.11.2017

Sarabjit Kaur

....Applicant

VERSUS

Gurnam Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. A.S. Khinda, 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 **Gurnam Singh Vs. Sarabjit Kaur** by the respondent-husband from the Court of District Judge, Ludhiana to a Court of competent jurisdiction at Kapurthala.

Counsel for the applicant has submitted that petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 filed by the applicant against the respondent and his family members is pending at Kapurthala wherein the respondent-husband has already caused appearance.

The physical distance between the two places is approximately 90 KMs. The petition under Section 13 of the Act by the husband was filed in the year 2015 but later the wife filed an application under Section 12 of the Act in October 2016. 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 13, 2017

'D. Gulati'

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no