

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

-.-

TA 981 of 2017 (O&M)
Date of decision: 27.11.2017

Sunita*Applicant*

Versus

Devi Lal*Respondent*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Mohit Rathee, Advocate
for the applicant

-.-

Rekha Mittal, J. (Oral)

The applicant prays for transfer of petition for divorce filed by the respondent-husband from the Court of District Judge (Family Court) Sonapat to a Court of competent jurisdiction at Rohtak.

Counsel for the applicant has submitted that distance between village of the applicant and Sonapat is approximately 170 kms. Two cases filed by the applicant, referred to in para 3 of the application, are pending in the Court at Rohtak. It is inconvenient for the applicant to pursue the litigation pending at Sonapat.

Perusal of the facts on record would make it evident that the petition for divorce was filed by the respondent in January 2015. Counsel for the applicant would inform that the case is pending for recording of evidence. It has also been revealed during course of hearing that two minor children, born out of the wedlock are being looked after by the respondent-husband. The distance between Rohtak and Sonapat is less than 50 Kms and

in any case, the applicant has to travel from her village to Rohtak even in case the petition is transferred to the Court at Rohtak. 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

27.11.2017
mohan bimbura

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