

TA No. 995 of 2017

Date of Decision: 30.11.2017

Anuradha @ Anu

---Applicant

versus

Shiv Kumar @ Shiv Khullar

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. G.S.Verma, Advocate
for the applicant**

Rekha Mittal, J.

The applicant prays for transfer of petition under Section 9 of the Hindu Marriage Act, 1955 (in short "HMA") from the Court of District Judge, Amritsar to a Court of competent jurisdiction at Ludhiana.

Counsel for the applicant would state that the applicant has filed complaint under the Protection of Women From Domestic Violence Act, 2005 (in short "the Act") and the same is pending in the Court at Ludhiana. It is difficult for the applicant to defend the proceedings pending at Amritsar initiated by the respondent subsequent to a complaint before the Women Cell at Ludhiana filed by the applicant.

Indisputably, there is no child born out of the wedlock. The proceedings under Section 12 of the Act have been initiated subsequent to filing of petition under Section 9 HMA by the respondent. Personal appearance of the applicant is not required on each and every date of hearing. 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, 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.

(Rekha Mittal)
Judge

30.11.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No