

TA No. 999 of 2017
Date of Decision: 1.12.2017

Sakshi Arora

---Applicant

versus

Atul Arora

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Prateek Rathee, Advocate
for the applicant**

Rekha Mittal, J.

The applicant prays for transfer of petition titled “Atul Arora vs. Sakshi Arora” HMA No. 1776/2016 from the Court of District Judge, Family Court, Faridabad to a Court of competent jurisdiction at Gurugram.

Counsel for the applicant has submitted that the applicant has filed a petition under Section 125 of the Code of Criminal Procedure (in short “Cr.P.C.”) pending in the Court at Gurugram. Proceedings initiated under the Protection of Women from Domestic Violence Act, 2005 are also pending in the Court at Gurugram. The applicant is working in a private firm at a meager salary and in case, she is to attend the proceedings in the Court at Faridabad, she would be required to take leave. Counsel would further contend that there is apprehension of danger to her life.

The application under Section 125 Cr.P.C. has been filed subsequent to the petition filed by the respondent in the year 2016. There is not much physical distance between the two places. Plea of the applicant with regard to danger to her person is not substantiated from any

materials on record. 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

1.12.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No