

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA-222-2017 (O&M)

Date of decision: 23.02.2018

Nisha Garg

.....Petitioner

versus

Arun Mittal

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Vishal Munjal, Advocate for the petitioner
Mr.C.B.Goel, Advocate for the respondent

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Heard.

Petitioner seeks transfer of petition bearing no.DMC/424/2016 dated 21.9.2016 filed under Section 13(1) (1A) of Hindu Marriage Act, 1955 by the respondent titled as *Arun Mittal vs. Nisha* pending before the Court of Additional District and Sessions Judge, Panipat to a Court of competent jurisdiction at District Pathankot.

On behalf of the petitioner, it is stated that petitioner has got a minor son. Respondent is resident of USA. Petitioner was turned out of her matrimonial home and now, she is living with her brother at Pathankot.

At the time of arguments, a copy of the Adhar Card has also been filed to show that the petitioner is residing at Pathankot. The petition is opposed by the respondent on the ground that the petitioner was living with her mother at Panipat. She has also bank account there and that only

for the purpose of present petition she has shifted to Pathankot. It also comes out that the petitioner has already filed criminal complaint under various sections of Indian Penal Code as well as proceedings under Section 125 Cr.P.C. at Pathankot.

Learned counsel for the respondent further contends that all these proceedings were filed after the filing of the divorce petition. This Court will not go into merits of the case. Suffice it to say that even in the divorce petition correct address of the present petitioner was given that of Pathankot. Petitioner is now living at Pathankot and has taken up the residence there. There is distance of little less than 400 kms. between Pathankot and Panipat. Respondent is resident of USA.

Therefore, considering the fact that other proceedings between the parties are pending at Pathankot and the difficulty expressed by counsel for the petitioner, petition bearing no.DMC/424/2016 dated 21.9.2016 filed under Section 13(1) (1A) of Hindu Marriage Act, 1955 by the respondent titled as *Arun Mittal vs. Nisha* pending before the Court of Additional District and Sessions Judge, Panipat is withdrawn from the said Court and is transferred to learned District Judge, Pathankot, who may try the case himself or entrust the same to a Court of competent jurisdiction.

Present petition stands allowed accordingly.

23.02.2018

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No