

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA-435-2017 (O&M)
Date of decision: 23.03.2018

Ankita Gupta

.....Petitioner

versus

Vishesh Gupta

.....Respondent

CORAM: Hon'ble Mr. Justice Kuldeep Singh

Present: Mr. Karan Bhardwaj, Advocate for the petitioner
Mr. Ashok Giri, 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?*

Kuldeep Singh, J. (Oral)

Petitioner seeks transfer of petition bearing HMA/117/2017 filed under Section 13 of Hindu Marriage Act, 1955 by the respondent titled as *Vishesh Gupta vs. Ankita Gupta* pending before the Court of learned District Judge, Panchkula to a Court of competent jurisdiction at District Bathinda.

Heard.

Learned counsel for the petitioner states that the petitioner has 3 ½ years old child. She is unemployed. Distance between Bathinda and Panchkula is approximately 230 kms. Therefore, she is unable to pursue her case at Panchkula Courts.

On the other hand, learned counsel for the respondent has produced a copy of the order dated 14.3.2017 passed in appeal filed under Section 125 Cr.P.C. which shows that in the year 2014, the petitioner had

filed a petition under Section 125 Cr.P.C. at Panchkula Courts, which has since been decided. Appeal against the said order is pending in the Sessions Court Panchkula. It is stated that in the said petition also, the petitioner has given her Bathinda address. After considering the facts and circumstances of the case, I am of the view that proceedings under Section 125 Cr.P.C. are over and only appeal is to be argued. Trial in petition under Section 13 of Hindu Marriage Act, 1955 is yet to start.

Considering the distance between two places and the fact that petitioner has one minor child and is unemployed and considering the convenience of the petitioner, it is deemed proper that the present petition should be tried at Bathinda Courts, where another FIR case between the parties is already pending, in which, respondent is putting in appearance.

Hence, petition bearing HMA/117/2017 filed under Section 13 of Hindu Marriage Act, 1955 by the respondent titled as *Vishesh Gupta vs. Ankita Gupta* pending before the Court of learned District Judge, Panchkula is withdrawn from the said Court and is transferred to learned District Judge, Bathinda, who may retain the same himself or entrust it to a Court of competent jurisdiction.

However, the respondent can always request the concerned Court to fix one date in both the cases.

Petition is allowed accordingly.

Since the main case has been allowed, therefore, the pending CM, if any, also stands disposed of.

23.03.2018
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No