

263 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM NO. M-10159 of 2014 (O&M)
DECIDED ON: JULY 20, 2015

GURVINDER PAL SINGH & OTHERS

.....PETITIONERS

VERSUS

BALJINDER KAUR AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH.

- 1. Whether Reporters of local papers 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?***

was born on October 15, 2007. Petitioner No.1 is working as Junior Engineer in Municipal Committee, Malerkotla, Sangrur where respondent No.1 is employed as Teacher and presently posted at Government Elementary School, Suniaherheri, Post Office Bharpur Chaneherian, District Patiala. Respondent No.1 with *malafide* intention and in order to cause harassment and humiliation to the petitioners purposely filed the afore-said petition in the court at Ludhiana, despite the fact that she is a permanent government employee and residing at Patiala. Moreover, brother of respondent No.1 is practising lawyer at Ludhiana and have threatened the petitioners with dire consequences in case they visit Ludhiana to defend their case. Petitioners No.2 and 3 are old aged parents whereas petitioner No.4 is the sister of petitioner No.1. It is difficult and very incriminating for them to pursue the case at Ludhiana.

3. On the other hand learned counsel for respondents has argued with vehemence that petitioners are guilty of treating the respondents with cruelty; besides, being of deserting, neglecting and refusing to maintain them. Moreover, petitioner No.2 is running a big cloth shop in the posh area of Patiala having good connection with local police as well as with ruling party and respondent No.1 apprehends that in case petition is transferred to Patiala, petitioners may harm them. Respondent No.2 is also being taken care of and brought up by respondent No.1 and completely dependant upon her as well as her old parents, who are residing at Ludhiana. He is studying in Class-I at Ludhiana. So, otherwise also it would not be feasible for the respondents to pursue their case at Patiala. Accordingly, he prayed for dismissal of instant petition.

4. This Court has given an anxious thought to the contentions raised by learned counsel for the parties and have perused the record available on file.

5. No doubt, respondent No.1 is employed as Teacher at Patiala but one thing is evident that respondent No.2 is studying in Class-I at Ludhiana and is being looked after by respondent No.1 as well as her parents. Thus, mere fact that petitioners are residents of Patiala and have to attend the case in question at Ludhiana on various dates is itself no ground to transfer the case from Ludhiana to Patiala. The convenience of both the parties is to be taken into consideration and the balance of convenience goes in favour of respondents especially when respondent No.2 is a school going child. As such, this court does not find any merit in the instant petition and thus, the same is dismissed.

6. However, while parting with this order, it is observed that since father-in-law and mother-in-law of respondent No.1 are old aged, their personal appearance shall remain exempted during the pendency of trial but the learned trial Court shall be competent to summon them as and when their presence is required during trial.

JULY 20, 2015
SHAM

(JASPAL SINGH)
JUDGE