

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

TA No.686 of 2013

Decided on: March 20, 2015.

Manjeet Kaur

.... Petitioner

Versus

Rajbir Singh Thind

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Rajesh Bhateja, Advocate,
for the petitioner.

Mr. J.S. Thind, Advocate,
for the respondent.

M.M.S. BEDI, J (ORAL)

This is an application under Section 24 of Civil Procedure Code for transfer of a divorce petition filed by husband-respondent Rajbir Singh in the Court of Additional District Judge, Jalandhar to a Court of competent jurisdiction at Moga. The grievance of the petitioner wife is that it is difficult for her to contest the divorce petition at Jalandhar as it is at a distance of 100 kms away from Moga where she is staying along with her brother and mother.

Learned counsel for the respondent-husband has opposed the application for transfer on various counts which are extraneous to the decision of the present application. Respondent-husband claimed that a fraud has been played upon him by the petitioner wife by wrongly disclosing before marriage that petitioner had passed IELTS and she was entitled to migrate after marriage. It is claimed that respondent-husband is resident of

Parjian Kalan, District Jalandhar.

I have considered the facts and circumstances of the case.

The grievance of the petitioner wife is that it will be difficult for her to travel from Moga to Jalandhar. The convenience of the parties is always one of the factors while deciding an application for transfer. At the same time, bona fide connivance of both the parties is required to be looked into. In the present case, the petitioner can be compensated reasonably for the inconvenience caused in contesting the litigation at a distance of about 100 km by paying some compensation.

This petition for transfer is dismissed. However, it is directed that petitioner wife will be entitled to a sum of Rs.5,000/- on each date of effective hearing to be paid by the respondent-husband who has filed a petition for dissolution of marriage at Jalandhar, in order to enable the petitioner wife to meet the traveling and other miscellaneous expenses. The said amount will be payable to the petitioner only on the dates when she travels from Moga to Jalandhar. The amount will be paid on each date of hearing before the Matrimonial Court.

(M.M.S. BEDI)
JUDGE

March 20, 2015
harsha