

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No. 172 of 2015

Date of decision: 04.03.2015

Poonam

... Petitioner

versus

Rishi Pal

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rishu Madan, Advocate for the petitioner.

K.Kannan, J.

The petition for transfer is sought by the wife of a matrimonial proceedings before the Court at Yamuna Nagar. The husband has filed an application under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights. The wife, subsequent to the said application has filed a petition for maintenance before the Court at Ambala and also registered a private criminal complaint for offences under Section 406 and 498 A IPC against her husband. According to counsel, the petitioner is not well provided financially and will be put to great hardship having to undertake journey to Yamuna Nagar every time. On the other hand, the husband was already putting an appearance in the case for maintenance and he can easily prosecute his own petition if the case were to be transferred from Yamuna Nagar to Ambala.

I find that the act of filing a petition for maintenance under Section 125 Cr.P.C. itself is to create some ground to have the case transferred, for after all it is possible to seek for maintenance *pendente lite* even in the petition under Section 9 of the Hindu Marriage Act that was already instituted. The distance between the Yamuna Nagar and

Ambala is also not too far but cited as great inconvenience to travel. If the petitioner is unprovided and she will have to incur additional expenses, the best reparation would be to provide to the wife a provision for transport expenses every time when the matter is brought before the Court for hearing at Yamuna Nagar. Considering that she is a young woman who may also require a suitable escort, I would find that provision for about ₹ 500/- shall be appropriately made but since I am passing order without any notice to the respondents, I would direct the Judicial Officer before whom the petition under Section 9 is pending, to consider the provision for travel expenses in the manner suggested by this court. Apart from any consideration for interim maintenance, the court shall also ensure that the travel expenses shall be paid at every effective date of hearing when the party appears and the Court shall not carry on with the trial or call the wife to join the proceedings if the amount is not paid at every hearing.

With these observations, the application for transfer is disposed of.

(K.KANNAN)
JUDGE

04.03.2015

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