

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

Transfer Application No.134 of 2014

Date of decision: 09.04.2015

Veerpal Kaur

... Petitioner

versus

Sukhpal Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Manoj Makkar, Advocate,
for Mr. RVS Chugh, Advocate,
for the petitioner.

Mr. Ravinder Malik, Advocate,
for the respondent.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The petition for transfer is sought by the wife on a plea that the case is instituted at Sangrur and it would require to be transferred to the court at Mansa where she is living. The petitioner has exhausted all matrimonial proceedings possible, firstly by a complaint under Section 498-A which has been quashed. A complaint for criminal offence under Section 323 and other related offences also appears to have been dismissed in 2010 and not restored. Her own application under Section 125 has also been

considered and final orders passed. Now the transfer is sought for her convenience. Where the distance is only 50 kilometers, I will not find any serious prejudice would be caused for the petitioner to undertake the minimal travel to conduct the case before the court of competent jurisdiction. The petitioner, however, will have the benefit of being paid transport expenses of ₹500/- at every effective date of hearing by her husband and the trial Court will ensure that the amount is paid on every hearing when the petitioner shows up in court and will not proceed with the trial unless the amount is paid by the husband.

2. The counsel for the petitioner says that a decree for restitution of conjugal rights has already been filed and ordered. If the case is not pending yet and disposed of, I will find no justification of an earlier institution of a petition for restitution as coming in the way of trial of the petition of divorce. The wife will, however, be competent to take up a plea of any bar that may exist in law for husband to prosecute the case for divorce when there is a decree for restitution of conjugal rights.

3. With these observations, the transfer application is dismissed.

(K.KANNAN)
JUDGE

09.04.2015
sanjeev