

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

T.A. No.322 of 2014

Date of Decision.01.04.2015

Rupinder Kaur

.....Petitioner

Versus

Nitin Dhiman

.....Respondent

Present: Mrs. Gurnam Kaur Turka, Advocate
for the petitioner.

Mr. Sanjay Jain, Advocate
for the respondent.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

-. -

K. KANNAN J. (ORAL)

1. The petition for transfer of matrimonial proceedings is sought on the ground that there are two proceedings pending in the Court at Patiala and it will be better that the matrimonial cases also posted to the Court at Patiala. I have elicited through counsel appearing for the wife that the proceedings at Patiala had been started only subsequent to the petition filed by the husband under Section 12 before the Court. I do not think that her own applications filed later must provide a justification for having the case transferred from Ambala to Patiala.

2. The counsel for the petitioner says that the wife is suffering from some depression and she also has an apprehension about her own safety if she were to go to Ambala. If she has been healthy enough to

file her own petitions for maintenance and for complaint of domestic violence, I am sure she is competent legally to defend her own action before the Court and her own depression ought not to come in her way. Her apprehension of physical safety I would notice without any particular basis but however, I do not want to slight her own apprehension. I urge the Presiding Officer to ensure at every hearing that there is no particular circumstance that exist which causes any apprehension of danger at the instance of the husband. I would also exhort to the husband that notwithstanding the pendency of proceedings, he will not do anything which can create any sense of worry as regards her safety. The petitioner is at liberty to inform the trial Court of any particular instance where if ever she is threatened, the Court will provide appropriate protection. The petitioner will be provided with ₹ 500/- as transportation expenses on every effective date when she appears in Court. This shall be even without reference to any additional maintenance which the Court may grant. The trial Court will also ensure that the transport expenses are paid and the petitioner is not put to any obligation to contest the case or participate in the proceedings unless the amount assessed as transport expenses is paid on every date of hearing without default by the husband.

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

(K. KANNAN)
JUDGE

April 01, 2015
Pankaj*