

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

T.A. No.496 of 2014
Date of Decision.08.04.2015

Rajni Bala

.....Petitioner

Versus

Saajan Kumar Gupta

.....Respondent

Present: Mr. Varun Garg, Advocate
for the petitioner.

Mr. Rajan Bansal, 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?

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K. KANNAN J. (ORAL)

1. The petitioner who is a resident at Mansa wants matrimonial proceedings pending in the Court at Bathinda which is 60 kms away to be transferred to the Court at Mansa for three reasons. One, she has a 2 ½ years old child and she is herself working in a college at Mansa and it will be difficult for her to avail of leave and take care of the child and go to Bathinda to take the case. The second objection is that the husband and his father are both practitioners of law in the Court at Bathinda and their own influence is bound to cause an apprehension in their mind about the fair trial. The petitioner has additional ground to state that there is also a case for maintenance filed under Section 125 Cr.P.C.

2. I find none of the grounds to be material to order a transfer.

The distance of 60 kms is hardly long and strenuous for a person to plead

convenience. Even the fact that the husband is a lawyer practising in the Court where case is pending ought not to cause any apprehension of fairness of approach of Judges. I would also not find the pendency of case under Section 125 Cr.P.C. of any significance, for, it is obviously brought to secure a ground for transfer. After all it is possible to secure interim maintenance even through application under Section 24 of the Hindu Marriage Act and the petition for maintenance itself has been filed only subsequent to the matrimonial application.

3. I dismiss the petition, however, the petitioner will have a benefit of transportation expenses provided to her at ₹ 500/- for every date of effective hearing for herself and for any escort that she may require from her place of residence to the Court. This amount shall be in addition to any provision for maintenance that the petitioner is at liberty to apply for before the Court for herself or for the child and if such a request is made, the Court will consider the same without being in any way influenced by the modest transportation expenses provided through this order.

4. The transfer application is dismissed but with the above observations.

(K. KANNAN)
JUDGE

April 08, 2015
Pankaj*