

T.A. No. 639 of 2013

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In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 639 of 2013

Date of Decision: February 10, 2016

Mukesh Rani

... Applicant

Versus

Neeraj Kumar

... Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

Present: Mr. Bhawesh Chaudhary, Advocate for
Mr. Sandeep Moudgil, Advocate for the applicant.

Mr. S.S. Kharb, Advocate for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application has been filed under Section 24 of the Code of Civil Procedure for transfer of petition filed under Section 9 of the Hindu Marriage Act, 1955 titled 'Neeraj Kumar Vs. Mukesh Rani', pending in the Court of learned District Judge, Panipat to the Court of competent jurisdiction at Karnal.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the applicant contends that the applicant along with her male child is living with her parents at Village Jaisingpura, Tehsil Assandh, District Karnal. The applicant has apprehension to her life and liberty at the hands of the respondent-husband and his family. Learned counsel further contends that it is difficult for the applicant to attend the Courts at Panipat.

Learned counsel for the respondents has vehemently opposed the application and has pointed out that applicant is M.A. in English, B.Ed. as well as MBA, whereas the applicant has made wrong averments in the present application that she is a rustic villager and an illiterate lady. For concealing the material facts and in order to mislead the Court, the applicant does not deserve any indulgence by this Court.

As far as contentions of the applicant are concerned, identical contentions were raised before the Hon'ble Supreme Court in the case of Anindita Das vs. Srijit Das, (2006) 9 Supreme Court Cases,197. In the case of Anindita Das (supra), Hon'ble Supreme Court has held as under:-

"3. Even otherwise, it must be seen that at one stage this Court was showing leniency to ladies. But since then it has been found that a large number of transfer petitions are filed by women taking advantage of the leniency shown by this Court. On an average at least 10 to 15 transfer petitions are on board of each court on each admission day. It is, therefore, clear that leniency of this Court is being misused by the women.

5. Except for stating that her health is not good, no particulars are given. On the ground that she is not able to come to Delhi to attend the court on a particular date, she can always apply for exemption and her application will undoubtedly be considered on its merit. Hence, no ground for transfer has been made out.

6. *Accordingly, we dismiss the transfer petition. We, however, direct that the respondent shall pay all travel and stay expenses of the petitioner and her companion for each and every occasion when she is required to attend the court at Delhi.*

7. *The respondent shall send in advance to the petitioner, money for a 2nd class AC train ticket for herself and a companion. The respondent shall also pay stay expenses of the petitioner and her companion in a 3-star hotel. The trial Court shall ensure that the petitioner has been paid the travel expenses in advance and that the hotel expenses are paid to her on each and every occasion when she is required to attend the Court at Delhi."*

The applicant has made wrong averments in para 9 of the application that she is a rustic villager and an illiterate lady. In fact, she is M.A. in English, B.Ed. as well as MBA. A person, who is not coming to the Court with clean hands, does not deserve any indulgence.

In view of above, no ground for transferring the case has been made out.

Dismissed. However, petitioner will be at liberty to move an appropriate application before the trial Court in view of judgment rendered by Hon'ble Supreme Court in *Anindita Das (supra)*.

February 10, 2016
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[Paramjeet Singh Dhaliwal]
Judge