

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 61 of 2016
Date of Decision: January 28, 2016

Asha Rani

... Applicant

Versus

Jasvir Kumar

... Respondent

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. Himanshu Puri, Advocate,
for the applicant.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application has been filed under Section 24 read with Section 151 of the Code of Civil Procedure for transfer of petition bearing HMA No. 124 of 2015 titled “Jasvir Kumar vs. Asha Rani”, pending in the Court of learned Civil Judge (Senior Division), Hoshiarpur to the Court of competent jurisdiction at Kapurthala.

I have heard learned counsel for the applicant.

Learned counsel for the applicant contends that the petitioner has one minor child and she has no source of income and it is difficult for her to attend the Courts at Hoshiarpur. Learned counsel further contends that petitioner is staying with her mother Village Bhagatpur Navi Colony, District Kapurthala. Learned counsel further contends that petition for interim maintenance is pending before the learned Judicial Magistrate First Class, Kapurthala.

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.”

In view of above, no ground for transfer 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)***.

January 28, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge