

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 258 of 2015

Date of Decision: February 29, 2016

Beenam Baliyan

... Applicant

Versus

Prabhat Kumar

... Respondent

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

Present: Ms. Ashima Mor, Advocate,
for the applicant.

Mr. Navdeep Chhabra, 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 suit for recovery, filed by the respondent, titled as “Prabhat Kumar vs. Beenam Baliyan” pending in the Court of learned Civil Judge (Senior Division), Ambala to the court of competent jurisdiction at Karnal.

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

Learned counsel for the respondent points out that the aforesaid suit is at the stage of defence evidence.

The only grievance of the applicant is that she is unemployed and not in a position to travel to Ambala and bring her witnesses there.

Just to compensate the applicant in view of judgment of

Hon'ble Supreme Court in the case of Anindita Das vs. Srijit Das, (2006) 9 Supreme Court Cases,197, this Court is of the view that parties will have to engage counsel, if the case is transferred to Karnal. The parties have already engaged counsel at Ambala. This Court deems it fit and proper in view of the circumstances of the case that respondent can be directed to pay costs of witnesses which the applicant will have to bring. Keeping in view the settled principles of law that litigation expenses have to be borne by the respondent-husband, this Court assesses Rs.2000/- to be paid to the applicant by the respondent as travel expenses before the trial Court on the date fixed. On failure, the applicant will be at liberty to move an application for revival of this transfer application. The applicant shall produce the witnesses on the date fixed and concerned Court shall ensure that they should be examined and cross-examined without fail.

Disposed of accordingly.

February 29, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge