

In the High Court of Punjab and Haryana at Chandigarh

**T.A. No. 305 of 2015 (O&M)
Date of Decision: February 09, 2016**

Manjit Kaur

... Applicant

Versus

Karamjit Singh

... Respondent

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

Present: Mr. Amit Shukla, Advocate,
for the applicant.

Mr. J.S. Jaidka, 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 under Section 6 of the Hindu Minority and Guardianship Act and Sections 8, 12 and 25 of the Guardian and Wards Act, titled “Karamjit Singh vs. Manjeet Kaur”, pending in the Court of learned Civil Judge (Senior Division), Ludhiana to the Court of competent jurisdiction at Hoshiarpur.

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

In spite of last opportunity granted to the applicant to appear in the Court, she is not present in Court.

Learned counsel for the applicant contends that the petitioner has one minor female child and she has no source of income and it is

difficult for her to attend the Courts at Ludhiana. Learned counsel further contends that petitioner was given beatings by her husband. She is staying with her parents at Hoshiarpur.

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 judgment of Hon'ble Supreme Court in **Anindita Das (supra)** as well as non compliance of orders passed by this Court for appearance in spite of last opportunity granted, 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 09, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge