

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 378 of 2015
Date of Decision: January 27, 2016

Rajni Gill @ Priya

... Applicant

Versus

Anwar Khan

... Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

Present: Mr. Ritesh Pandey, Advocate for the applicant.

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 10 of Indian Divorce Act for dissolution of marriage by way of decree of divorce titled 'Anwar Khan Vs. Rajni Gill', pending in the Court of Muneesh Arora, learned Additional District and Sessions Judge (Ahoc) FTC Amritsar to the Court of competent jurisdiction at Gurdaspur.

I have heard learned counsel for the applicant.

Learned counsel for the applicant contends that the petitioner has one female and one male child and both the children are living with the petitioner. The petitioner 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 petitioner to attend the Courts at Amritsar. She is staying with her father at Village Dadwan,

Tehsil and District Gurdaspur.

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 27, 2016
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[Paramjeet Singh Dhaliwal]
Judge