

**In the High Court of Punjab and Haryana at Chandigarh**

**T.A. No. 461 of 2015**

**Date of Decision: February 23, 2016**

*Manvir Kaur*

*... Applicant*

*Versus*

*Harjinder Singh*

*... Respondent*

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

Present: Mr. C.L. Verma, Advocate,  
for the applicant.

Mr. Kapil Kakkar, Advocate,  
for the respondent.

**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. 199/2015, under Section 9 of the Hindu Marriage Act (hereinafter referred to as the “Act”), titled “Harjinder Singh vs. Manvir Kaur”, filed by the respondent-husband, pending in the Court of learned District Judge, Family Court, SBS Nagar to the Court of competent jurisdiction at Ludhiana.

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

Learned counsel for the applicant contends that the applicant has no source of income and it is difficult for her to attend the Courts at Ludhiana. Learned counsel further contends that petitioner was threatened

by the respondent-husband that if she enters in the house, he would not spare her life. She is staying with her parents at Ludhiana.

On the other hand, learned counsel for respondent contends that the applicant is working as Social Science, Mistress in Government Elemantry School Jainpur, District Nawanshahre and it is convenient for her to attend the Courts at Nawanshahre (S.B.S. Nagar).

I have considered the contentions raised by the learned counsel for the parties and perused the record.

Since the applicant is working at Nawanshahre (S.B.S. Nagar) and the petition under Section 9 of the Act is pending at S.B.S. Nagar, it is convenient for her to attend the proceedings. So far as the other contention of the applicant is 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 2<sup>nd</sup> 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 the fact that the applicant is already working at S.B.S. Nagar, no ground for transferring the case has been made out.

Dismissed. However, applicant 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 23, 2016  
vkd

[Paramjeet Singh Dhaliwal]  
Judge