

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 470 of 2015

Date of Decision: February 11, 2016

Nidhi Soni @ Nidhi Sharma

... Applicant

Versus

Jimmy Soni

... Respondent

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

Present: Mr. K.S. Kahlon, Advocate,
for the applicant.

Mr. Ashok Sharma Nabhewala, 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 13 of the Hindu Marriage Act, titled “Jimmy Soni vs. Nidhi Soni @ Nidhi Sharma” pending in the Court of learned District Judge, Kapurthala to the Court of competent jurisdiction at Pathankot.

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 Kapurthala. Learned counsel further contends that applicant is staying with her parents at Pathankot, District Gurdaspur.

Learned counsel for the respondent pointed out that the applicant is residing in U.S.A. and is not in India.

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.”

After filing the instant transfer petition, the applicant has left the country and presently residing in USA. Virtually, the applicant is not attending the Courts on every date, so indulgence of this Court is not required.

In view of above, no ground for transfer of 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 11, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge