

TA No.505 of 2015

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

TA No.505 of 2015 (O&M)
Date of decision: 11.01.2016

Usha

....Petitioner

Versus

Sanjay

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. S.K. Bishnoi, Advocate, for the petitioner.
Mr. Arvind Rajotia, Advocate, for the respondent.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant petition under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition under Section 9 of the Hindu Marriage Act, 1955 for decree of restitution of conjugal rights filed by respondent-husband, from the Court of learned District Judge (Family Court) Hisar to a Court of competent jurisdiction at Fatehabad.

I have heard learned counsel for the parties.

Learned counsel for the petitioner contends that the petitioner is serving in Axis Bank at Fatehabad City and is staying with her parents at Fatehabad, which is about 45 kms away from Hisar.

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

TA No.505 of 2015

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 A.C. 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 transferring the case has been made out.

TA No.505 of 2015

Dismissed. However, petitioner will be at liberty to move an application before the concerned Court in the light of judgment referred to above.

(Paramjeet Singh Dhaliwal)
Judge

January 11, 2016
R.S.