

TA No.543 of 2015

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

TA No.543 of 2015
Date of decision: 28.01.2016

Jaspreet Kaur

....Applicant

Versus

Jagjit Singh

....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. Rajesh Narang, Advocate, for the applicant.
Mr. J.S. Thind, Advocate, for the respondent.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant application under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by respondent-husband from the Court at Jalandhar to the Court of competent jurisdiction at Muktsar.

I have heard learned counsel for the parties.

Learned counsel for the applicant submits that applicant is a homeopathic doctor. She is posted at Civil Hospital, Malout, District Muktsar. She is residing with her minor school going daughter at Malout. It is difficult for her to attend the proceedings at Jalandhar.

Learned counsel for the respondent submits that proceedings are at fag end. Only respondent remains to be cross-examined.

TA No.543 of 2015

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 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

TA No.543 of 2015

required to attend the Court at Delhi.”

In view of above, no ground for transferring the case has been made out.

Dismissed. However, applicant 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 28, 2016
R.S.