

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

**T.A. No. 618 of 2015 (O&M)**  
**Date of Decision: February 11, 2016**

*Khushboo Soni @ Mini*

*... Applicant*

*Versus*

*Sukhwant Singh*

*... Respondent*

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

Present: Mr. Pawan Handa, Advocate,  
for Mr. R.S. Bajaj, Advocate,  
for the applicant.

Mr. Gurcharan Dass, Advocate,  
for the respondent.

**Paramjeet Singh Dhaliwal, J. (Oral)**

**CM-2221-CII-2016**

Civil misc. application is allowed subject to all just exceptions. Reply on behalf of the respondent is taken on record.

**TA No. 618 of 2015**

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. 1394 of 2015, under Section 13 of the Hindu Marriage Act (hereinafter referred to as the “Act”) titled “Sukhwant Singh vs. Khushboo @ Mini”, pending in the Court of learned Additional District Judge, Ludhiana to the Court of competent jurisdiction at Jalandhar.

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 applicant is staying with her parents at Jalandhar.

Learned counsel for the respondent contends that earlier, the applicant and respondent filed a petition under Section 13-B of the Act before the learned District Judge, Jalandhar, which was dismissed as the applicant has withdrawn her consent for mutual divorce vide order dated 14.07.2015 (Annexure R/6).

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

Hon'ble Supreme Court in the case of Anindita Das vs. Srijit Das, (2006) 9 Supreme Court Cases,197 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.”*

Perusal of the record shows that intention of the applicant is not bona fide. The applicant cannot be allowed to play hide and seek.

In view of above, no ground for transferring 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**