

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 621 of 2015

Date of Decision: February 17, 2016

Ritu Negi @ Ritu Bajwa

... Applicant

Versus

Vikas Bajwa

... Respondent

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

Present: Ms. Gaganjot Kaur, Advocate,
for the applicant.

Mr. Gaurav Sethi, 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 9 of the Hindu Marriage Act, titled “Vikas Bajwa vs. Ritu”, pending in the Court of learned District Judge, Family Court, Ambala 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 petitioner has one minor male child and she has no source of income and it is difficult for her to attend the Courts at Ambala. Learned counsel further contends that petitioner is staying with her parents at Ludhiana.

Learned counsel for the respondent has pointed out that minor

child is living with the respondent-husband.

Since, the respondent-husband would have taken care of the minor child of about 6 years old, it will be difficulty for him to attend the Courts at Ludhiana. Otherwise also, 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.”

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 17, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge