

TA No.649 of 2015

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

TA No.649 of 2015
Date of decision: 10.02.2016

Gurvinder Kaur

....Applicant

Versus

Jaswinder 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. P.K. Nagpal, Advocate, for the applicant.
Mr. M.S. Kohli, Advocate, for the respondent.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant petition under Section 24 read with Section 151 of the Code of Civil Procedure has been filed seeking transfer of petition under Section 9 of the Hindu Marriage Act, 1955 (for short 'the Act') for decree of restitution of conjugal rights filed by respondent-husband, from the Court of Civil Judge (Junior Division), Chandigarh to a Court of competent jurisdiction at Patiala.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the applicant contends that the petitioner has no source of income and it is difficult for her to attend the court at Chandigarh. Learned counsel further contends that petitioner is staying with her old-age parents at Village Musalmani Kheri, District Patiala.

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The distance between her village in Patiala and Chandigarh is more than 90-100 kilometers, therefore, it is very difficult for her to attend the Court proceedings at Chandigarh.

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

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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 application before the concerned Court in the light of judgment referred to above.

(Paramjeet Singh Dhaliwal)
Judge

February 10, 2016
R.S.