

TA-651-2015

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

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Date of Decision: 07.01.2016

Seema

... Applicant (s)

Versus

Navneet Singla

... Respondent(s)

**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. Kamal Mor, Advocate,
for the applicant.

Ms. Harsimran Kaur Dhaliwal, Advocate,
for the respondent.

Paramjeet Singh Dhaliwal, J.

Instant application under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition under Section 13(1) (ia) of the Hindu Marriage Act, 1955, filed by the respondent-husband for dissolution of marriage between the parties, from Chandigarh to Ambala.

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

Learned counsel for the applicant contended that the applicant, who has no source of income, is residing with her old aged

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parents at Ambala and it is very difficult for her to attend the proceedings on each and every date at Chandigarh, a far away place from her residence.

Per contra, learned counsel for the respondent vehemently opposed the contentions of learned counsel for the applicant and contended that no case is pending between the parties at Ambala and presence of the applicant is not required in the aforementioned petition pending at Chandigarh.

I have considered the rival contentions of learned counsel for the parties.

Admittedly, no case is pending between the parties at Ambala. The distance between Ambala and Chandigarh is approximately 50 kms. which is not far away. Identical contentions, as raised by learned counsel for the applicant herein, were raised before the Hon'ble Supreme Court in **Anindita Das vs. Srijit Das, (2006) 9 Supreme Court Cases,197**, wherein it has been 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

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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 is made out.

Dismissed.

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

07.01.2016

parveen kumar

**(Paramjeet Singh Dhaliwal)
Judge**