

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 952 of 2015

Date of Decision: February 10, 2016

Pooja Garg

... Applicant

Versus

Naresh Garg and another

... Respondents

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

Present: Mr. Sandeep Wadhawan, Advocate,
for the applicant.

Mr. Punit Jain, Advocate,
for respondent no.1.

Mr. S.K. Biriwal, Advocate,
for Mr. Sandeep Goyal, Advocate,
for respondent No.2.

Paramjeet Singh Dhaliwal, J. (Oral)

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. 146 of 2015, under Section 13 of the Hindu Marriage Act (hereinafter referred to as the "Act") titled "Naresh Garg vs. Pooja Garg and another", pending in the Court of learned Additional District Judge, Fatehabad to the Court of competent jurisdiction at Narwana.

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

Learned counsel for the applicant contends that the petitioner has one minor female child and it is difficult for her to attend the Courts at Fatehabad. Learned counsel further contends that petitioner was given

beatings by her husband. She is staying with her parents at Narwana.

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 transfer 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 10, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge