

**Sr. No. 202
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**TA No. 113 of 2014
Date of decision 13.01.2016**

Rajwinder Kaur

...Applicant

Vs.

Vishawjit 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. Karan Bhardwaj, Advocate,
for the applicant.

Respondent in person.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition titled 'Vishawjit Singh Vs. Rajwinder Kaur' under Section 9 of the Hindu Marriage Act, 1955 (for short 'the Act') for restitution of conjugal rites filed by respondent-husband, from Patiala to Sri Muktsar Sahib.

The transfer petition has been filed on the ground that the petitioner is residing in the territorial jurisdiction of District Muktsar Sahib and the petition should be transferred. Learned counsel for the applicant contended that some proceedings are pending at Sri Muktsar Sahib.

Be that as it may, petitioner is an educated lady and is

also stated to be in service. No ground for transfer the case has been made out in view of law laid down 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.”

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)**.

13.01.2016

vandana

**(PARAMJEET SINGH DHALIWAL)
JUDGE**