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

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Date of Decision: 02.02.2016

Deepika

... Applicant (s)

Versus

Vibhor Singh Gautam

... 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. Harsh Garg, Advocate,
for the applicant.

Mr. Aashish Gupta, Advocate,
for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition titled as 'Vibhor Singh Gautam vs. Deepika' under Section 13 of the Hindu Marriage Act, 1955 (for short, 'the Act') filed by the respondent for dissolution of marriage between the parties, from Bathinda to Chandigarh.

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

Learned counsel for the applicant contends that the respondent has filed a petition under Section 13 of the Act for

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dissolution of marriage which is pending in the Court of learned Additional District Judge, Bathinda. The parents of the applicant have expired and she along with her minor child is now residing with her brother, who is a govt. employee at Chandigarh. It is difficult for the applicant to attend the proceedings on each and every date at Bathinda which is far away from Chandigarh. Therefore, the petition filed by the respondent under Section 13 of the Act may be transferred to Chandigarh.

Per contra, learned counsel for the respondent vehemently opposes the contentions of learned counsel for the applicant and contends that earlier the matter was amicably settled and the parties filed petition under Section 13-B of the Act for decree of divorce by mutual consent, but the applicant did not turn up in the Court for recording her statement. No case between the parties is pending at Chandigarh.

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

Identical contentions were raised before the Hon'ble Supreme in ***Anindita Das vs. Srijit Das, (2006) 9 Supreme Court Cases,197***, the 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

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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 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, 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)***.

02.02.2016
parveen kumar

(Paramjeet Singh Dhaliwal)
Judge