

TA-534-2014

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

TA-534-2014 (O & M)

Date of Decision: 11.02.2016

Jennifer Karma

... Applicant (s)

Versus

Gurbinder Singh Gill and others

... Respondent(s)

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

Present: Mr. Rahul Bhargava, Advocate,
for the applicant.

Mr. Ranjit Sharma, Advocate,
for respondent Nos.1 to 3.

Paramjeet Singh Dhaliwal, J.

CM-2303-CII-2016

Allowed as prayed for. Annexure R-6 is taken on record,
subject to all just exceptions.

CM-18420-CII-2015

Allowed as prayed for. Written statement filed on behalf of
respondent Nos.1 to 3 is taken on record.

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Instant application under Section 24 of the Code of Civil
Procedure has been filed seeking transfer of civil suit titled as “Jennifer
Karma vs. Gurbinder Singh Gill and others”, pending in the Court of Sh.
Palwinder Singh Ghotra, learned Civil Judge (Jr. Divn.), Amritsar to the

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competent Court at Jalandhar.

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

Learned counsel for the applicant has vehemently contended that the applicant has filed the suit for declaration and permanent injunction against the respondents. Respondent No.1 had threatened the applicant that the person appearing on her behalf would be done to death, if he comes on next date of hearing to attend the proceedings at Amritsar. The applicant has an apprehension that while attending the Court at Amritsar, her life will be endangered. The divorce petition (Annexure P-2) and civil suit for damages (Annexure P-3) filed by the applicant are pending at Jalandhar.

Per contra, learned counsel for the respondents has vehemently opposed the contentions of learned counsel for the applicant and contended that the applicant had solemnized contract marriage with respondent No.1 and charged 30,000 ponds from him and now she is demanding 20,000 ponds more for divorcing respondent No.1. The applicant is aged about 46 years whereas respondent No.1 is young. The marriage was only contract to settle respondent No.1 in U.K.. The applicant is filing several suits at different places through different persons. The applicant is enjoying very happy and luxurious life in U.K. and getting handsome income. The respondents never gave any threat to her life.

This Court has paid its anxious consideration to the contentions put forward by learned counsel appearing on either sides.

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Admittedly, the applicant is residing in U.K. She has sought the transfer of civil suit merely on the ground that she has a danger to her life as well as the person appearing on her behalf. The said plea is insufficient to transfer the case. The applicant, who is residing abroad, has failed to satisfy as to how she has a danger to her life from respondents, who are residing in India. The applicant has not produced any evidence to show that she has made any complaint to the concerned Presiding Officer regarding the threat or the person appearing on her behalf in Civil Court has made any complaint regarding threat to his life. The applicant's prayer based upon an unfounded apprehension, cannot be accepted. It is a settled law that while considering the prayer for transfer of the case, the Court cannot arbitrarily transfer a case so as to suit the convenience of one party or the other. A suit filed in a Court of competent jurisdiction cannot be transferred on the mere whims and fancy of a party.

In view of above, no ground for transferring the case is made out.

Dismissed.

However the applicant will be at liberty to approach the police authority or concerned court for threat perception, if any.

11.02.2016

parveen kumar

(Paramjeet Singh Dhaliwal)
Judge