

TA No.543 of 2014

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

TA No.543 of 2014

Date of decision: 11.01.2016

Rajwant Kaur

....Petitioner

Versus

Narinder 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. G.S. Nagra, Advocate, for the petitioner.
Mr. Veneet Sharma, Advocate, for the respondent.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant petition under Section 24 read with Section 151 of the Code of Civil Procedure has been filed seeking transfer of petition under Section 13 of the Hindu Marriage Act filed by respondent from the Court at Tarn Taran to a Court of competent jurisdiction at Amritsar.

I have heard learned counsel for the parties.

Learned counsel for the petitioner contends that the petitioner is serving as a teacher at Amritsar. She and her handicapped son are residing at Amritsar with the brother of the petitioner. It is difficult for her to travel to Tarn Tarn.

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

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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 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 has been made out.

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

(Paramjeet Singh Dhaliwal)
Judge

January 11, 2016
R.S.