

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

TA No. 265 of 2017(O&M)

Date of decision: 20.11.2017

Reema SonkarApplicant

VERSUS

Arun PanwarRespondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Prateek Rathee, Advocate for the applicant.

Mr. Mayank Aggarwal, Advocate for the respondent.

REKHA MITTAL, J.

Affidavit of Reema Sonkar dated 27.10.2017 filed in the Court is taken on record.

Counsel for the applicant has submitted that the respondent-husband has filed petition under Section 9 of the Hindu Marriage Act, 1955 (in short 'the Act') which is pending in the Court of District Judge, Family Court, Karnal.

The only inconvenience pleaded by the applicant is that she is residing with her parental family at Gurugram and distance between Gurugram and Karnal is approximately 125 KMs.

Counsel for the respondent has submitted that the applicant was working as a Medical Officer in Government Ayurvedic Hospital, Rohana (Muzaffar Nagar) and Muzaffar Nagar is at a distance of more than 160 KMs from Gurugram. It is further submitted that as per affidavit of the applicant filed in the Court, she has been transferred from Rohana

(Muzaffar Nagar) to Khwaja Nagla (Baghpat). According to counsel, applicant is guilty of filing a false affidavit stating distance between Baghpat to Karnal to the extent of 150 KMs whereas distance between the two places is approximately 98 KMs. Further submitted that distance between Baghpat to Karnal is approximately 80 KMs but it takes more time to travel from Baghpat to Gurugram vis-à-vis from Baghpat to Karnal because of heavy traffic on the way from Baghpat to Gurugram.

When counsel for the applicant was confronted with the incorrect information given in the affidavit dated 27.10.2017 qua distance between Baghpat and Karnal, he has conceded that distance between Baghpat to Karnal is approximately 98 KMs, sufficient to show that the applicant is guilty of mis-stating the facts. In view of the aforesaid, there is no justification for transfer of the case from Karnal to Gurugram. Accordingly, the application is dismissed.

NOVEMBER 20, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no