

In the High Court of Punjab and Haryana at Chandigarh

T.A.No. 518 of 2017

Date of Decision:26.7.2017

Lishu Mishra

---Applicant

vs.

Amandeep Bhardwaj

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Sumeet Puri, Advocate
for the applicant

Rekha Mittal, J.

The applicant prays for transfer of petition filed under Section 9 of the Hindu Marriage Act, 1955 by the respondent-husband from the Court of Civil Judge (Senior Division), Bathinda to a Court of competent jurisdiction at Sangrur.

The only plea raised by the applicant is that there is distance of about 100 Kms. between the two places causing inconvenience for the applicant to defend the proceedings pending at Bathinda.

Hon'ble the Supreme Court of India while dealing with a petition for inter state transfer of case under Section 13 of the Act has issued certain directions that in matrimonial or custody matters or in proceedings between parties to a marriage or arising out of disputes between parties to a marriage, wherever the defendants/respondents are located

outside the jurisdiction of the Court, the Court where proceedings are instituted may examine whether it is in the interest of justice to incorporate any safeguards for ensuring that summoning of defendant/respondent does not result in denial of justice. Order incorporating such safeguards may be sent with the summons. The safeguards can be:-

- (i) Availability of video conferencing facility
- (ii) Availability of legal aid service
- (iii) Deposit of cost for travel, lodging and boarding in terms of Order 25 CPC
- (iv) E-mail address/phone number, if any, at which litigant from out station may communicate.

The applicant can well file an application before the Court at Bathinda for passing an appropriate order in the light of directions issued by Hon'ble the Supreme Court of India. In case such an application is filed by the applicant, the same shall be decided by the Court before proceeding further with the trial.

With the aforesaid observations, the present application stands disposed of.

(Rekha Mittal)
Judge

26.7.2017
paramjit

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No