

In the High Court of Punjab and Haryana at Chandigarh

T.A.NO. 575 of 2017

Date of Decision:26.7.2017

Neha

---Applicant

vs.

Amandeep Kumar

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Rahul Deswal, Advocate
for the applicant

Rekha Mittal, J.

The applicant-wife has filed the instant petition for transfer of HMA Case No. 1429/2017 titled “Amandeep Kumar vs. Neha” filed under Sections 11, 12 of the Hindu Marriage Act, 1955 pending in the Court of Additional District and Sessions Judge-XI, Amritsar to a Court of competent jurisdiction at Kurukshetra.

Counsel for the applicant has submitted that the applicant is residing at Hamira Farm (Saiyana Saida), Tehsil Pehowa, District Kurukshetra which is at a distance of more than 300 Kms from Amritsar, therefore, it is highly inconvenient for the applicant to attend the proceedings pending at Amritsar. She has filed a criminal complaint pending before Women Cell Police Station, Sector-8, Kurukshetra. It is argued that it is expedient in the interest of justice that the aforesaid petition pending at

Amritsar is transferred to Kurukshetra so that interests of justice do not suffer for failure of the applicant to defend the proceedings effectively and properly.

During the course of hearing, it was revealed that the applicant is residing with her aunt (Mausi). On a query raised by the Court with regard to status of parents of the applicant, counsel has fairly informed that parents of the applicant are residing at Amritsar. No such plea has been raised by the applicant that she has any inhibition to stay with her parents or her parents are not willing to support her in this hour of difficulty. As parents of the applicant are residing at Amritsar, there is no question of the applicant suffering any inconvenience to attend to the proceedings pending in the Court at Amritsar. In this view of the matter,, I find no merit in contention of the applicant that in case petition pending at Amritsar is not transferred to Kurukshetra, she will be denied her precious right to defend the proceedings in an effective manner.

For the foregoing reasons, the application is dismissed. However, the applicant is at liberty to file an appropriate application for grant of maintenance and travelling expense etc. In case such an application is filed, the same shall be decided by the Court at Amritsar before proceeding further with the matter.

(Rekha Mittal)
Judge

26.7.2017.
paramjit

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