

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 613 of 2017

Date of Decision:26.7.2017

Sheela Kaur

---Applicant

vs.

Balwinder Singh

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Madan Sandhu, Advocate
for the applicant

Rekha Mittal, J.

The applicant-wife prays for transfer of petition filed under Section 9 of the Hindu Marriage Act, 1955 (in short “the Act”) (HMA-102/2017) by the husband pending in the Court of District Judge (Family Court), Barnala to a competent Court at Mansa.

The only inconvenience pleaded by the applicant is that she has no source of income and it is difficult for her to go to Barnala to attend proceedings as distance between Barnala and her village Jattan Khurd is more than 70 Kms.

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 distance between the two places is about 70 Kms. It will be appropriate that the case is allowed to continue where the same is filed. The applicant is at liberty to apply to the Court for maintenance and travelling expense and the Court at Barnala may pass an appropriate order providing for maintenance before calling upon the applicant to file reply. The Court shall also ensure that on every hearing when the wife appears, the husband pays the amount determined as travelling expense for herself and an escort, before the trial progresses further.

Application for transfer is disposed of but with the aforesaid observations.

(Rekha Mittal)
Judge

26.7.2017
paramjit

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