

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

-.-

TA 625 of 2017

Date of decision: 31.07.2017

Harpreet Kaur

..... Applicant

Versus

Avnash

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Davinder Singh Khurana, Advocate
for the applicant

-.-

Rekha Mittal, J. (Oral)

Counsel for the applicant, inter alia, contends that though distance between Sri Muktsar Sahib and Jalalabad is approximately 30 kms., she prays for transfer of petition titled 'Avnash v. Harpreet Kaur', filed under Section 13 of the Hindu Marriage Act, 1955 by the respondent-husband from the Court of District and Sessions Judge, Sri Muktsar Sahib to a Court of competent jurisdiction at Fazilka.

The inconvenience pleaded by the applicant is that she is disabled to the extent of 79% being deaf and dumb from the childhood, therefore, she needs assistance of a family member to travel from Jalalabad to Sri Muktsar Sahib to defend the proceedings.

The applicant has staked her claim for transfer of proceedings primarily on the ground of her impairment. On a query raised by the Court, Counsel for the applicant informs that distance between Jalalabad and Fazilka is approximately 25 kms, whereas distance between Jalalabad and Sri Muktsar Sahib is about 30 kms. Even if the proceedings are allowed to

be transferred to a Court at Fazilka, there would hardly be any difference of distance. That being so, it is appropriate to continue the petition at the place where it is pending.

However, the applicant is at liberty to apply to the Court for maintenance and travelling expenses for every hearing and the Court at Sri Muktsar Sahib will pass an appropriate order, in accordance with law. However, the Court shall ensure that on every hearing when the applicant-wife appears, the husband pays the amount determined as travelling expenses for herself and an escort, before the trial progresses further.

With the aforesaid observations, the application is disposed of.

(Rekha Mittal)
Judge

31.07.2017
mohan bimbura

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