

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-4075 of 2018
Date of Decision: 01.8.2018**

Sonia Bharti

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. N.S.Dandiwal, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

Mr. Vivek Gupta, Advocate
for respondent No. 2.

ANITA CHAUDHRY, J

Counsel for the petitioner at the outset states that the petition has become infructuous as the trial Court had accorded permission to the respondent to go abroad till 13.6.2018 and that period is over.

Counsel for respondent No. 2 contends that the amount that he had spent should be ordered to be returned to him. Counsel further submits that the respondent had a work permit in South Africa and was working in a hotel since 2016 and he wanted to go abroad for the particular period and permission was sought from the trial Court and he was ready to visit Tanzania till 13.6.2018 and the trial Court after referring to the case law on the subject permitted him to go abroad and laid down certain conditions which included a bank guarantee of Rs. 5.00 lacs and a 'no objection' that evidence could be recorded in his absence and that there would be no request for adjournment besides other conditions referred to in the order.

Counsel further states that the petitioner challenged the order here and the

co-ordinate Bench had stayed the operation of the order and the parties were to sit and sort out the dispute and the mediator had helped them arriving at a compromise which was reduced in writing and the respondent had signed it but the petitioner backed out, but by then as agreed, he had purchased the tickets and the petitioner was to accompany him in the flight on 1.3.2018 and he was placing on record the tickets dated 14.2.2018. Counsel further submits that the respondent spent Rs. 55,000/- on the tickets and Rs. 10,000/- on the vaccination and since he could not go, he had lost his job and the petitioner may be directed to pay back that amount. It was urged that the petitioner had no intention of joining him and a condition was made that the respondent should transfer a property in her name.

It is indeed unfortunate how the circumstances have unfolded. Respondent No. 2 had purchased the tickets for the petitioner. He would not have spent that amount unless the girl had agreed to go. Since the settlement did not mature therefore the respondent has a right to claim the amount he had spent on the purchase of the tickets and vaccination but in appropriate proceedings. Since permission to go abroad was only till June 2018 and that period has expired, the petition becomes infructuous.

Dismissed as infructuous.

The respondent can approach the trial Court again if he wishes to go abroad for the assignment.

(ANITA CHAUDHRY)
JUDGE

August 01, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No