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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

T.A. No. 1054-2017 (O&M)  
Date of decision : 21.3.2018

Suman Agnihotri

..... Petitioner

Versus

Prashant Agnihotri

..... Respondent

**CORAM : HON'BLE MR. JUSTICE KULDIP SINGH**

Present:- Mr. Sanjay Vij, Advocate for the petitioner.

Mr. Sumeet Goel, Advocate for the respondent.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

**KULDIP SINGH J. (ORAL)**

This is a petition filed under Section 24 of the Code of Civil Procedure, 1908, seeking transfer of HMA Case No. 2173 of 2017 titled as **“Prashant Agnihotri versus Suman Agnihotri”** and Civil Suit No. 348 of 2017 titled as **“Prashant Agnihotri versus Suman Agnihotri”** pending in the Court of learned District Judge (Family Court), Faridabad to the Court of District Judge, Gurugram.

Heard.

Learned counsel for the petitioner-wife contends that now two cases between the parties are pending before the Courts at Gurugram. He further submits that parties have two minor daughters. Now, one is living with the petitioner-wife and the other is living with respondent-husband. Therefore, all the cases should be tried at one place.

It comes out that civil suit is regarding recovery of property from the petitioner-wife.

The aforesaid prayer has been opposed by learned counsel for

the respondent on the ground that petitioner-wife is working as a teacher and getting salary of Rs. 62,400/- per month. He further submits that respondent has provided a car to the wife and he is ready to bear the expenses of travelling from Gurugram to Faridabad, which is only at a distance of 35 KMs.

It is further stated that witnesses in both the cases belong to Faridabad and it is difficult for them to go to Gurugram. However, it is not denied that respondent is now posted at Gurugram but it is also stated that he has also to work at Noida. Learned counsel for respondents undertakes to bear the journey expenses of the wife from Gurugram to Faridabad.

Learned counsel for respondent relies upon an authority delivered in TA-174-2013, titled as “Smt. Sushila versus Ravinder”, wherein some parameters were considered for transferring such cases. He further relies upon an authority of Hon'ble Supreme Court delivered in “Smt. Kalpana Deviprakash Thakar versus Dr. Deviprakash Thakar”.

Considering the income of the respondent-husband and the fact that the witnesses in the case filed by the husband belong to Faridabad and it is undertaken that respondent-husband is ready to bear the journey expenses of the wife from Gurugram to Faridabad which is only at the distance of 35 Kms, I am of the view that the apprehension of the petitioners can be met by imposing certain conditions without transferring the cases. In the circumstances, no ground to transfer the cases from Faridabad Courts to Gurugram Courts is made out. However, respondent-husband shall pay Rs. 1,000/- as expenses on each date of hearing to the petitioner-wife when the cases are fixed.

Learned District Judge (Family Court), Faridabad is directed to fix both the cases on one date. It is made clear that if husband-respondent fails to pay the expenses, the present petitioner can always move to this Court to press their prayer for transfer of the case.

Dismissed with above direction.

Since, the main petition has been dismissed, the miscellaneous application pending, if any, also stands disposed of.

(KULDIP SINGH)  
JUDGE

21.3.2018  
*preeti*

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|-----------------------------|-----|
| Whether speaking / reasoned | Yes |
| Whether Reportable:         | No  |