

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

**T.A. No.480 of 2017 (O&M)
Date of decision : April 17, 2018**

Amoldeep Kaur

..... Petitioner

Versus

Rustam Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. G.B.S. Dhillon, Advocate for the petitioner.

Mr. Deepak Balyan, 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)

Petitioner has filed an affidavit, dated 17.04.2018 in the Court today, stating that she was offered appointment at Chandigarh but she had resigned and now living with her uncle at Bathinda. The said affidavit is taken on record.

Learned counsel for the petitioner contends that the parents of the petitioner expired after her marriage and that she is now living with her uncle at Village Mehraj, Teshsil Phul, District Bathinda. Therefore, prayer is made to transfer the petition bearing No.HMA/204/2017 filed under Section 13 of the Hindu Marriage Act, 1955, titled as “*Rustam Singh vs Baldeep Kaur*”, pending in the Court of learned District Judge, S.A.S. Nagar, Mohali to a Court of competent jurisdiction at Bathinda.

The said prayer has been opposed by the learned counsel for the respondent on the ground that the parties were previously residing at S.A.S. Nagar, Mohali and the witnesses belong to Mohali. Therefore, it will be very difficult for the witnesses to go to Bathinda.

Admittedly, Bathinda is at a distance of little more than 200 Km. from S.A.S. Nagar, Mohali but at the same time, now four lane road has been opened and the travelling has become much easy. The witnesses belong to S.A.S. Nagar, Mohali, will have inconvenience in going to Bathinda from S.A.S. Nagar, Mohali. The parties were previously residing at S.A.S. Nagar, Mohali. Since, it is a civil case, therefore, the petitioner is not required to be present on each and every date of hearing. The plea that the petitioner will have to incur the expenses to come to S.A.S. Nagar, Mohali, can be met by directing the respondent to pay the costs of litigation on the date of hearing.

Considering the entirety of the facts and circumstances, I do not deem it fit and proper to transfer the petition bearing No.HMA/204/2017 filed under Section 13 of the Hindu Marriage Act, 1955, titled as “***Rustam Singh vs Baldeep Kaur***”, pending in the Court of learned District Judge, S.A.S. Nagar, Mohali to a Court of competent jurisdiction at Bathinda.

As such, the present petition is dismissed.

However, the respondent is directed to pay ₹5,000/- to the petitioner on the each date of hearing, when she appears to pursue her case, to meet the boarding and loading expenses.

(KULDIP SINGH)
JUDGE

April 17, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No