

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

105

TA-154-2018

Date of Decision : 20.11.2018

Dr. Parul Garg

....Petitioner

vs.

Dr. Mukul Agarwal

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Sunil Narang, Advocate
for the petitioner.

Mr. Ashish Singla, Advocate for
Mr. K.P.Singh, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

Petitioner has filed the present transfer application/petition under Section 24 of the Code of Civil Procedure for transfer of the petition under Section 13 (1) (i-a) of Hindu Marriage Act, 1955 titled Dr. Mukul Aggarwal vs. Dr. Parul Garg which is pending before Principal District Judge (Family Court), Gurugram to the Court of District Judge, Ambala.

The ground taken by counsel for the applicant is that the applicant is residing at Ambala alongwith six months old child and the distance between Gurugram and Ambala is 250 km and it is very difficult for her to travel about 5 hours one side.

Learned counsel for the respondent has stated that Ambala is 400 km far away from Mathura (where the respondent is staying) and the petition may be transferred to Karnal and respondent is willing to bear the travel expenses which the applicant may have to incur for those hearings

when her presence is required before the Trial Court. Counsel for the applicant has accepted this offer but states that the respondent should be liable to pay every time the applicant attends the Court.

In my opinion, the respondent can not determine when and how often the applicant wants to attend the hearing and it is directed that he would be liable to pay Rs.500/- for every visit which the applicant may make to attend the hearing. Consequently, the respondent is directed to deposit a sum of Rs.2000/- with the trial court. This would take care of 4 visits which the applicant may have to make and after those visits the respondent would similarly deposit the same amount again and would undertake to do so till the conclusion of the hearing.

In the circumstances, the petition is disposed of in the above term and petition under Section 13 (1) (i-a) of Hindu Marriage Act, 1955 titled Dr. Mukul Aggarwal vs. Dr. Parul Garg which is pending before Principal District Judge (Family Court), Gurugram is withdrawn from that Court and is transferred to the Sessions Judge at District Karnal. Let the record be sent there. Parties through counsel are directed to appear on 20.12.2018 before District and Sessions Judge, Karnal. The learned District and Sessions Judge, Karnal may either decide the case himself or assign it to any Court of competent jurisdiction at Karnal.

The application stands disposed of.

(AJAY TEWARI)
JUDGE

20.11.2018
anuradha

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No