

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

**T.A. No.183 of 2018 (O&M)
Date of decision : May 04, 2018**

Mrs. Preeti Thakur

..... Petitioner

Versus

Lt. Col. Sanjay Kumar and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Atul Aggarwal, Advocate for the petitioner.

Mr. Ravi Sodhi, Advocate and

Mr. M.M. Pandey, Advocate for respondent No.1.

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)

Reply on behalf of respondent No.1 has been filed in the Court today and the same is taken on record.

Petitioner seeks transfer of a case bearing DMC No.678/2017, titled as ***“Lt. Col. Sanjay Kumar vs Preeti Thakur and another”***, filed under Section 13 of the Hindu Marriage Act, 1955, pending in the Court of learned District Judge, Bathinda to a Court of competent jurisdiction at Panchkula.

I have heard learned counsel for the parties and have also considered the reply filed by respondent No.1.

It comes out that both the parties were earlier living at Bathinda. The parents of the petitioner are living at Jammu. The children of the parties are studying at Jammu. Now, the petitioner has shifted to Panchkula and she is also trying to shift the children to an Army School at Panchkula. Panchkula is stated to have been the choice of the petitioner.

There is no other reason to live at Panchkula.

On the other hand, learned counsel for respondent No.1 has opposed the petition on the ground that since the acts alleged in the petition are of Bathinda, the ordinary jurisdiction is at Bathinda Courts. The witnesses are the Army personnel posted at Bathinda. Therefore, it will be inconvenient for them to come to Panchkula.

Learned counsel for respondent No.1 has undertaken that respondent No.1 is ready to pay the taxi/luxury bus charges to the petitioner, whenever she appears at Bathinda to pursue her case.

Considering the fact that the parties last resided at Bathinda and witnesses are Army personnel posted at Bathinda, there is no ground to transfer the aforesaid case from Bathinda Courts to Panchkula Courts.

As such, the present petition is dismissed.

However, it is directed that whenever the petitioner appears in person before Bathinda Courts to pursue her case, respondent will pay her ₹5,000/- as travelling expenses for each visit.

(KULDIP SINGH)
JUDGE

May 04, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No