

**Sr. No.210
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**TA No.473 of 2019 (O&M)
Date of Decision: 05.02.2020**

Sanjana Dhingra

... Applicant

Versus

Harvinder Chawla

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Malkiat Singh, Advocate for
Mr. Anuj Dewan, Advocate,
for the applicant.

Mr. Namit Khurana, Advocate,
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant wife seeks transfer of petition filed by the respondent-husband under Section 13 (1) (a) (b) of the Hindu Marriage Act, 1955 bearing DMC 161 of 2018 titled as “Harvinder Chawla Vs. Sanjana Dhingra” pending before the learned Principal Judge, Family Court, Sonapat Camp at Gohana to the Court of competent jurisdiction at Jhajjar.

2. Learned counsel for the applicant further submits that petitioner is residing at Bahadurgarh, District Jhajjar. She has no source of income. She is fully dependent on her parents. The distance between Gohana and Bahadurgarh (Jhajjar) is about 80 Kms. One minor daughter 6 years born out of the wedlock is in the custody of applicant-wife and is school going, who needs constant care and attention of the mother. She cannot left her behind to attend the Court proceedings. Therefore, it is difficult for her to go

to Gohana on each date of hearing.

3. Learned counsel for the respondent opposes the application. He places relies on the judgment of Apex Court titled as **Anindita Das Vs. Srijit Das, (2006) 9 SCC 197**, wherein it is held that leniency to ladies shown by Court in such transfer matters often misused and taken advantage of by women. So Court is now required to consider each petition on its merit. He further submits that he is ready to pay traveling expenses to the applicant-wife.

4. I have heard learned counsel for the parties and have gone through the record.

5. The cardinal principle for exercise of the powers under Section 24 of the Code of Civil Procedure is the convenience and inconvenience of the parties. The paramount consideration for exercise of the power must be to meet the ends of justice. The convenience of both the parties and not of the applicant-petitioner only is to be seen.

6. In view of the discussion above and the offer made by the respondent the transfer application is disposed of with a direction to the respondent to pay Rs.2000/- to the applicant-wife for every hearing towards travelling expenses and other incidental expenses.

05.02.2020

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No