

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

107

TA-788-2021(O&M)
Date of Order:03.09.2021

KARAMJIT KAUR

..Petitioner

Versus

RAJINDER SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Balbir Kumar Saini, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

It is not in dispute that the petitioner filed Transfer Application No.194 of 2021, which was dismissed on 05.04.2021, with the following order:-

“Instant petition has been filed under Section 24 of the Civil Procedure Code, seeking transfer of a petition filed by the respondent/husband under Section 13 of the Hindu Marriage Act, 1955, pending in the Court of Principal Judge, Family Court, Gurdaspur to a Court of competent jurisdiction at Moga.

Counsel submits that petitioner is a lady and is a mother of two minor daughters who are presently in the custody of their maternal grandmother at Moga. Even an application seeking maintenance under Section 125 Cr.P.C.has been filed at Moga and under such circumstances it is the convenience of the lady/wife which ought to prevail.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that prayer made in the instant petition does not merit acceptance.

Concededly petitioner is serving on the post of Constable under the BSF and is currently posted in the Jammu-Poonch Sector.

By virtue of such employment petitioner can certainly be said to be financially independent. There would be also no constraints insofar as travel is

concerned subject of course to getting leave from the competent authority. Factually counsel has not been able to dispute that Gurdaspur where proceedings are currently going on, would be far closer to her present place of posting as compared to Moga where she is seeking transfer.

It would also be apposite to take note that application under Section 125 Cr.P.C. has been filed by the petitioner only after having been served of the divorce petition. Petitions seeking transfer are not to be accepted in a routine and casual manner. No justifiable and special circumstances have been made out in the instant petition in support of the prayer seeking transfer of the Section 13 petition from Gurdaspur to Moga.

Petition is dismissed.

With the change of roster, a fresh transfer application has been filed. The petitioner claims that there has been a change in the circumstances.

This Bench has gone through the alleged changed circumstances, which are extracted as under:-

4. That the present Transfer Application is being filed on the following changed circumstances:

(A) That the applicant humbly submits that she would not attend the court proceedings filed by the respondent/husband on false and frivolous grounds which is pending on initial stage due to her hard duties at her work place. Earlier the applicant has filed the aforementioned Transfer Application through her mother being her attorney and the aforementioned petition has been dismissed in limine by the Hon'ble Court. It is pertinent to make mention here that earlier applicant was assigned general duties, at Poonch Sector (Border Area), J&K, however, presently she has been deployed in Administrative Block at Poonch Sector (Border Area), J&K, where she is more responsibilities of her work. The duty timing of the applicant is 07:00 AM to 07:00 PM. During her duty, she has to report to her Senior Officers after every three hours in a day. Even, there is no direct service of railway, bus or any other public transport to approach the Hon'ble Court proceedings. Due to her duty in Administrative Block, the applicant cannot avail/take the leave in routine manner. Thus, the present applicant is liable to be transfer as prayed for.

B. That it is necessary to make a mention here that

the respondent husband has put an appearance in person in MNT/125/33/2021 filed by the applicant/wife through her mother being her attorney pending in the Hon'ble Court of Principal Judge, Family Court, Moga, for 05.10.2021.”

It is well settled that no one should be permitted to abuse the process of Court. A party cannot be permitted to dissect the grounds available for a particular relief and thereafter, file repeated petitions for the same. The party is required to include all the grounds on which it intends to claim the relief, in one petition itself. The aforesaid ground existed when the petitioner filed the previous petition and as such, there is no subsequent change in circumstances in the real sense.

Keeping in view the aforesaid facts, this Bench declines to entertain the petition.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

September 03, 2021

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No