

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

TA-104-2022

Date of decision: 20.04.2022

Gagandeep Kaur

.....Petitioner

versus

Iqbal Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Hitesh Verma, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

In spite of service, none has put in appearance on behalf of the respondent.

Let arguments be heard.

The wife-Gagandeep Kaur who claims to be resident of Tapa, District Barnala has preferred this petition under Section 24 of CPC seeking transfer of a case bearing No. DMC/1222/2021 titled as 'Iqbal Singh versus Gagandeep Kaur and others' filed by respondent No.1-Iqbal Singh, whereby, he has sought dissolution of marriage by decree of divorce under Section 13 of the Hindu Marriage Act pending in a Court of Principal Judge, Family Court, Camp Court at Talwandi Sabo, District Bathinda.

The primary ground spelled out by the wife is the distance between her village of Tapa and that of Talwandi Sabo where the petition for divorce is pending. Though, none has put in appearance on behalf of the respondents in spite of service, it is well admitted during the course of submissions by counsel for the applicant/petitioner that the distance between the two places is mere 50 KMs not much of a distance in this modern era.

The wife claims that she has, besides this, subsequently, instituted an application for maintenance under Section 125 Cr.P.C. titled as 'Gagandeep Kaur and another versus Iqbal Singh' as well as has filed a petition for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, which both matters are pending at Barnala.

The claim that the distance is more than 70 KMs is certainly not acceptable and is only mere 50 KMs between the two places. What this Court could make out from the submissions of the counsel for the petitioner is that the wife purely to teach the husband a lesson is seeking transfer of this matter which is pending at Talwandi Sabo at Bathinda District. It is nobody's case neither in the pleadings nor in the argument that having these cases at different places, would not be conducive to the dispensation of

justice nor that there are compelling circumstances necessitating this transfer. Merely because the petitioner is a lady is no ground to allow her prayer which is more by way of misplaced sympathies for a woman rather than equal justice to both the sides. No apparent perceivable and condonable reasons *bona fide* enough to acceding to the prayer of the petitioner, are borne out from the claim of the petitioner and, thus, this Court is not inclined to grant the relief and the application being meritless, stands dismissed.

20.04.2022

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No