

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

TA No.1168 of 2021 (O&M)

Date of decision: 31st March, 2022

Vishali Jain

... Applicant

Versus

Gaurav Jain

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ashwani Talwar, Advocate for the applicant.

Mr. Suresh K. Kaushik, Advocate for the respondent.

FATEH DEEP SINGH, J.

This transfer application under Section 24 of CPC seeks to get transferred case No.DMC/645 of 2021 registered on 31.08.2021 filed under Section 13 of the Hindu Marriage Act, 1955 by the husband (now respondent) against the wife (now applicant) pending in the Court of Principal Judge, Family Court, Rohtak to a Court of competent jurisdiction at Panchkula.

The primary ground is on account of distance which the wife has to cover and the fact that she has preferred an application for maintenance under Section 125 Cr.P.C. and another petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 which both are pending at Panchkula and Kalka respectively,

besides having to maintain a minor daughter necessitates that the matter be transferred to a place nearer to her home.

The arguments of the learned counsel for the respondent husband and so is the claim in the written reply that the wife is permanent resident of Panipat and where she was residing and it is only after institution of the divorce petition she has surreptitiously and fraudulently got changed her address with effect from 24.11.2021 to that of Panchkula, besides the fact as has been observed by this Court that the wife to put her husband to harassment and inconvenience, as is there in her own stand in the pleadings, has instituted maintenance application under Section 125 Cr.P.C. at Panchkula and another petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 at Kalka; apparently to ensure that the husband is made and forced to traverse different places at a great distance. It needs to be kept in mind that provisions of Section 24 of the CPC are purely to meet the ends of justice and cannot be allowed to be misused to take revenge and vengeance as a sadistic pleasure and satisfaction of ego arising out of matrimonial disaccord.

It could not be displaced by any means that the family of the applicant wife is still permanently residing in Panipat. How and under what circumstances she is living in Panchkula, as claimed by her, cannot be supported by any means in the submissions of her counsel.

Apparently, the present application is nothing but a misuse of process of the Court and deserves to be dismissed with exemplary costs of ₹20,000/- for undue wastage of precious time of the Court and putting the law to misuse. The costs shall be paid to the respondent husband and shall be a pre-condition.

Ordered accordingly.

(FATEH DEEP SINGH)
JUDGE

March 31, 2022
rps

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