

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.560 of 2014

Date of Decision: 30.04.2015

Sukhpal Kaur

..... Petitioner

Versus

Amandeep Singh

..... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.S. Rangpuri, Advocate,
for the petitioner.

Mr. Mohinder Singh-I, Advocate,
for the respondent.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The prayer in his application filed under Section 24 of the Code of Civil Procedure, 1908 is for transfer of the divorce petition instituted by the respondent husband against the petitioning wife from the matrimonial court at Bhatinda to the court at Moga on grounds of inconvenience to the wife.

Having heard the learned counsel for the parties, this Court is of the view that the balance of convenience lies in the matrimonial trial being shifted from Bathinda to Moga. It is not disputed that there is already litigation pending at Moga courts where the wife claims maintenance from her husband, the respondent, under Section 125 of the Code of Criminal Procedure, 1973. There are no issues born to the couple and they have been living separately for some time. Even if the husband's parents live in Bathinda and he goes there visiting often enough yet the respondent lives

and works for gain in the unit of Nestle India Limited, Moga. He would always remain free to request the Courts at Moga for appointing convenient dates of hearing in both the matters within the constraints of their respective Boards of business, as are compatible to his employment.

Resultantly, the transfer application is allowed and the file of HMA 68 dated July 2, 2014 titled *Amandeep Singh vs. Sukhpal Kaur* pending in the Court of Sh. J.S. Bhinder, learned Addl. District Judge, Bathinda is directed to stand transferred to the file of learned District Judge, Moga. The latter may on transfer either keep the divorce petition on his own Board or mark it to a learned Additional District Judge at Moga to conduct the remaining trial from the point it has been transferred inter-district by this order. As and when the file is received in the Sessions Division Moga the learned District Judge/Additional District Judge, Moga, as the case may be, would issue notice to both the parties to put in appearance on a date fixed for further taking proceedings in the case. However, the wife will be at liberty to make a claim for costs against the respondent before the transferee Court towards reasonable expenses incurred by her in defending this transfer application at Chandigarh.

(RAJIV NARAIN RAINA)
JUDGE

30.04.2015
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