

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

TA No.582 of 2013
Date of Decision : 27.4.2016

ShilpaApplicant

Vs.

SunilRespondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. Sunil Kumar, Advocate for Mr. Minderjeet Yadav,
Advocate for the applicant.
Mr. Amit Arora, Advocate for the respondent.

...

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

RAMESHWAR SINGH MALIK, J

Applicant-wife, by way of instant application under Section 24 of the Code of Civil Procedure, seeks transfer of a divorce petition filed by the respondent husband from Bhiwani to Rewari.

Notice of motion was issued, vide order dated 1.10.2013 and in the meantime, further proceedings before the learned trial court were stayed. Learned counsel for the respondent appeared on 21.2.2014, but no reply has been filed so far.

Heard learned counsel for the parties.

It has gone undisputed before this court that there is a child out of this wedlock. The applicant-wife alongwith her minor child is living with her parents at Rewari. Neither the applicant-wife is having any regular

source of income nor the respondent-husband is regularly paying any amount of maintenance either for the applicant-wife or for the child.

Distance between Rewari and Bhiwani is about 100 kms.

In view of the abovesaid undisputed fact situation obtaining in the present case, this court is of the considered opinion that the present transfer application deserves to be allowed. It is so said because financial status of the wife, her source of income as well as her responsibility for bringing up the child and distance between two places, besides the convenience of the wife, are some of the relevant considerations for deciding the transfer applications, like the present one.

The abovesaid view taken by this court also finds support from the order dated 16.3.2016 passed by this court in TA N o.945 of 2015 (Sushma and others Vs. Kapil @ Sahil Bansal), which, in turn, was based on the judgements of the Hon'ble Supreme Court, as well as different High Courts, including this court.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this court is of the considered view that instant transfer application deserves to be accepted and the same is hereby allowed. Divorce Petition under Section 13 of the Hindu Marriage Act titled as Sunil Vs. Shilpa is ordered to be transferred from Bhiwani to Rewari.

Accordingly, learned District Judge, Bhiwani, is directed to send the complete record of the abovesaid divorce petition filed by the respondent-husband, to the learned District Judge, Rewari at an early date and in any case within a period of one month from the date of receipt of

certified copy of this order.

Learned District Judge, Rewari is also directed either to decide the case himself or assign it to the learned court of competent jurisdiction for its early decision, in accordance with law.

With the abovesaid observations made and directions issued, instant transfer application stands disposed of, however, with no order as to costs.

27.4.2016
GS

(RAMESHWAR SINGH MALIK)
JUDGE