

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

TA No.102 of 2016
Date of decision:15.3.2016

Manpreet Kaur

...Petitioner

Versus

Gagandeep Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

Present: Mr.S.S.Gill, Advocate for the petitioner.
Mr.Harjeet Singh Gill, Advocate for respondent No.1.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner-wife seeks transfer of a petition under Section 9 of the Hindu Marriage Act, 1955 ('the HM Act' for short) filed by the respondent-husband at Kharar (Mohali), to the learned court of Additional Civil Judge (Senior Division), Payal, District Ludhiana.

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed on record between the parties that petitioner along with her twin minor daughters of just four months old is staying with her parents near Payal, District Ludhiana. She has already filed a petition under Section 125 Cr.P.C. which is pending at Payal, District Ludhiana. Respondent-husband has not paid any amount of maintenance to the petitioner-wife so far. Petitioner-wife is not having any regular source of income.

In view of the above-said undisputed fact situation, this Court is of the considered opinion that it would not only be inconvenient but also very difficult for the petitioner-wife to come from Payal to Kharar for

pursuing the litigation imposed on her by the respondent-husband. Convenience of the wife, in such situation like present one, is one of the relevant factors to be considered for deciding the transfer application like the instant one.

In view of the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the view that instant petition deserves to be accepted and the same is hereby allowed. The petition under Section 9 of the HM Act filed by the respondent-husband at Kharar, District SAS Nagar, is directed to be transferred at Ludhiana.

Accordingly, learned District Judge, Ropar, is directed to send the complete record of petition under Section 9 of the HM Act filed by the respondent-husband titled as 'Gagandeep Singh v. Manpreet Kaur and others' to the learned District Judge, Ludhiana at an early date and in any case within a period of one month from the date of receipt of a certified copy of this order.

Learned District Judge, Ludhiana, is also directed to assign the case to the learned court of competent jurisdiction at Payal, District Ludhiana, so that petitioner-wife may not face any unwarranted difficulty in pursuing the litigation.

With the above-said observations made and directions issued, the present petition stands disposed of.

15.3.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE