

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.109 of 2016

Date of decision: 01.04.2016

Anshu

... Applicant

Vs.

Manish

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Johan Kumar, Advocate
for the applicant.

1. Whether reporters of local papers may be allowed to see the judgment? YES/NO
2. To be referred to the reporters or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

RAMESHWAR SINGH MALIK, J. (ORAL)

Applicant-wife, by way of instant application under Section 24 of the Code of Civil Procedure, 1908, seeks transfer of a divorce petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (for short 'HM Act') from Jind to Rohtak.

Notice of motion was issued. As per office report, service is complete. However, nobody has come present to contest the instant application.

Heard learned counsel for the applicant.

It has gone undisputed before this Court that the applicant-wife is living with her parents at her ancestral village in District Rohtak. Proceedings under Section 125 Cr.P.C., at the instance of the applicant-wife

are also pending at Rohtak. She is not receiving any amount of maintenance from the respondent-husband. Distance between Jind and Rohtak is about 60 kilometers.

In view of the abovesaid undisputed fact situation, this Court feels no hesitation to conclude that the divorce petition filed by the respondent-husband deserves to be transferred from Jind to Rohtak. It is so said because financial status of the wife 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 16.03.2016 passed by this Court in TA No.945 of 2015 (Sushma and others Vs. Kapil @ Sahil Bansal), which, in turn, was based on the judgments 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 filed by the respondent-husband under Section 13 of the HM Act bearing No.451/2015 (H.M.A.) titled as Manish Vs. Anshu and anr. at Jind is ordered to be transferred to Rohtak.

Accordingly, learned District Judge, Jind is directed to send the complete record of the abovesaid divorce petition filed by the respondent-husband, to the learned District Judge, Rohtak 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, Rohtak 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 allowed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

01.04.2016
vishnu