

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No.118 of 2016 (O&M)
Date of decision: 26.4.2016

Harvinder Kaur

.. Applicant

Vs.

Gurpreet Singh

... Respondent

TA No.119 of 2016 (O&M)

Harvinder Kaur

.. Applicant

Vs.

Gurpreet Singh

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Nand Lal Sammi, Advocate
for the applicant.

Mr. Deepak Verma, Advocate
for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant-wife, by way of these two transfer applications under Section 24 of the Code of Civil Procedure, 1908, seeks transfer of a petition under Section 12 (i) (c) of the Hindu Marriage Act, 1955, ('HM Act' for short) and petition under Section 25 of the

Guardian and Wards Act, 1890, both filed by the respondent-husband, from Patiala to Ambala.

Notice of motion was issued and in the meantime, further proceedings before the learned trial court were stayed.

Heard learned counsel for the parties.

It has gone undisputed before this Court that there is a child out of this wedlock. Applicant-wife is serving at Ambala and the child is staying with her maternal grand parents. Two other litigations between the parties are also pending at Ambala. Distance between Patiala and Amabala is about 50 Kilometers. The respondent is not paying any amount of maintenance to the child, despite there being an order passed by the learned court of competent jurisdiction.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court is of the considered opinion that both these transfer applications deserve to be allowed. It is so said because responsibility of wife for bringing up the children and distance between two places, besides her convenience, are some of the relevant considerations for deciding the transfer application like the cases in hand.

The abovesaid view taken by this Court also finds support from the earlier 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 both these transfer applications deserve to be accepted and the same are hereby allowed. Both the abovesaid petitions are ordered to be transferred from Patiala to Ambala.

Accordingly, the learned District Judge, Patiala, is directed to send complete record of the abovesaid petitions to the learned District Judge, Ambala, at an early date but in any case within a period of one month from the date of receipt of certified copy of this order.

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

With the abovesaid observations made and directions issued, both these transfer applications stand disposed of, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

26.4.2016
AK Sharma