

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

TA No.122 of 2016

Date of decision: 22.04.2016

Joti Batra and another

... Applicants

Vs.

Ravi Kumar

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. N.S. Kamboj, Advocate
for the applicants.

None for the respondent.

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)

Applicants, by way of instant application under Section 24 of the Code of Civil Procedure, seek transfer of a suit for mandatory injunction filed by the respondent from Jalandhar to Derabassi, District SAS Nagar (Mohali).

Notice of motion was issued.

As per office report, service was complete on 10.03.2016, however, in the interest of justice, case was adjourned for today with a view to grant another opportunity to the respondent. However, nobody has come present on behalf of the respondent to contest the instant transfer application.

Heard learned counsel for the applicants.

It has gone undisputed before this Court that as many as three

civil litigations at the instance of the applicant-wife are pending between the parties at Derabassi, District SAS Nagar (Mohali). Applicants are residing at Zirakpur. Distance between Zirakpur and Jalandhar is more than 150 kilometers. Applicant-wife is not having any regular source of income nor the respondent-husband is paying any amount of maintenance to the applicant-wife.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that the present transfer application deserves to be allowed. It is so said because financial status of the wife, her source of income 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. Suit for mandatory injunction filed by the respondent is ordered to be transferred from Jalandhar to Derabassi, District SAS Nagar (Mohali).

Accordingly, learned District Judge, Jalandhar is directed to

send the complete record of the abovesaid civil suit titled as Ravi Kumar Vs. Joti Batra and another, to the learned District Judge, SAS Nagar (Mohali) 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, SAS Nagar (Mohali) is also directed to assign the case 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.

[RAMESHWAR SINGH MALIK]
JUDGE

22.04.2016
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