

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.13 of 2016

Date of decision: 05.05.2016

Deepika Singla

... Applicant

Vs.

Sandeep Singla

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Munish Bhardwaj, Advocate
for the applicant.

Mr. Bhupinder Ghai, Advocate
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)

Applicant-wife, by way of instant application under Section 24 of the Code of Civil Procedure, seeks transfer of a petition under Section 9 of the Hindu Marriage Act, 1955 (for short 'HM Act') filed by the respondent-husband from Barnala to Jalandhar.

Notice of motion was issued.

Although learned counsel for the respondent appeared on 16.02.2016, 29.02.2016 and 15.03.2016 but no reply has been filed so far. However at this stage, learned counsel for the respondent submits that he may be permitted to file the reply today. In view of the number of opportunities having been granted and there being no explanation,

whatsoever, as to why the reply could not be filed, the same is not permitted to be filed in the Court today.

Heard learned counsel for the parties.

It has gone undisputed before this Court that the applicant-wife is living with her parents at Jalandhar. Neither the applicant-wife is having any regular source of income nor the respondent-husband is paying any amount of maintenance to the applicant-wife. Distance between Barnala and Jalandhar is more than 100 kilometers.

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, conduct of the respondent-husband 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.

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. Petition under Section 9 of the HM Act titled as Sandeep Singla Vs. Deepika Singla filed by the respondent-husband, is

ordered to be transferred from Barnala to Jalandhar.

Accordingly, learned District Judge, Barnala is directed to send the complete record of the abovesaid petition, to the learned District Judge, Jalandhar 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, Jalandhar 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.

[RAMESHWAR SINGH MALIK]
JUDGE

05.05.2016
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