IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No. 142 of 2016 (O&M)
Date of decision: 19.5.2016

Gurdeep Kaur

.. Applicant

Vs.

Gurmeet Singh

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Surinder Kaur, Advocate for
Mr. D.S. Gandhi, Advocate
for the applicant.

Mr. Rimple Saini, Advocate
for the respondent.

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RAMESHWAR SINGH MALIK, J. (Oral)

Applicant-wife, by way of instant transfer application under Section 24 of the Code of Civil Procedure, 1908, seeks transfer of a petition under Section 9 of the Hindu Marriage Act, 1955 ('HM Act' for short), filed by the respondent-husband, from Batala to Amritsar.

Notice of motion was issued and pursuant thereto, reply has been filed on behalf of the respondent.

Heard learned counsel for the parties.

It has gone undisputed before this Court that there is a

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child out of this wedlock. Applicant-wife, alongwith her minor child, is staying with her parents at Amritsar. Applicant-wife is not having any regular source of income. Distance between Batala and Amritsar is more than 35 Kilometers.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court is of the considered opinion that instant transfer application deserves to be allowed. It is so said because responsibility of the wife for bringing up the children, her financial status, her source of income and distance between two places, besides her convenience, are some of the relevant considerations for deciding the transfer application like the present one.

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.

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 filed by the respondent-husband titled as Gurmeet Singh Vs. Gurdeep Kaur is ordered to be transferred from Batala, District Gurdaspur to Amritsar.

Accordingly, the learned District Judge, Gurdaspur, is directed to send complete record of the abovesaid petition to the

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learned District Judge, Amritsar, 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, Amritsar, 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, present transfer application stands disposed of, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

19.5.2016
AK Sharma

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