HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT CHANDIGARH

TA-144-2016
Date of decision:16.3.2016

Aanchal Johar @ Soni

...Petitioner

Versus

Rajat Kumar Johar

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Naveen Sharma, Advocate for the petitioner.
Respondent along with his father in person.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner-wife, by way of instant petition under Section 24 of the Code of Civil Procedure, seeks transfer of a petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 (`the HM Act') at Ambala to the learned court of competent jurisdiction at Jalandhar.

Notice of motion was issued.

Respondent along with his father has put in appearance in person.

It is undisputed between the parties that other litigations are already pending at Jalandhar. There is a minor child out of the wedlock and he is staying with the petitioner-mother. Minor child of the parties, as per the medical certificate (Annexure A-2) available at page 19 of the paper-book, is suffering from Cerebral Palsy with Epilepsy. Respondent-husband has fairly conceded before this Court that he is not paying any maintenance to the petitioner-wife and child. Petitioner-wife along with her ailing child is residing with her parents at Jalandhar.

MUKESH KUMAR SALUJA
2016.03.29 13:00
I attest to the accuracy and
authenticty of this document.

In view of the above undisputed fact situation obtaining in the present case, this Court is of the considered opinion that it would be in the interest of justice to transfer the petition under Section 9 of the HM Act to Jalandhar, so as to avoid any undue hardship and harassment to the petitioner-wife. In the matters like the present one, distance between two places and financial status of the wife with the responsibility to bring up the child are some of the relevant considerations.

No other argument was raised on behalf of either of the parties.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant petition deserves to be accepted and the same is hereby allowed. Petition under Section 9 of the HM Act filed by the respondent-husband bearing HMA Case No.481 of 17.7.2014 titled as `Rajat Kumar Johar Vs. Aanchal alias Soni' at Ambala is directed to be transferred from Ambala to Jalandhar.

Accordingly, learned District Judge, Ambala, is directed to send the complete record of the above-said case 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 a certified copy of this order.

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

With the above-said observations made and directions issued, the present petition stands disposed of.

16.3.2016 **(RAMESHWAR SINGH MALIK)**
mks **JUDGE**

MUKESH KUMAR SALUJA
2016.03.29 13:00
I attest to the accuracy and
authenticty of this document.