

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

TA No.153 of 2016
Date of Decision : 24.5.2016

Navdeep Kaur

.....Applicant

Vs.

Joginder Singh

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. Sumeet Puri, Advocate for the applicant.

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

RAMESHWAR SINGH MALIK, J

Applicant-wife, by way of instant application under Section 24 of the Code of Civil Procedure, ('CPC' for short), seeks transfer of a petition under Section 12 of the Hindu Marriage Act filed by the respondent husband from Patiala to Sangrur.

Notice of motion was issued and in the meantime further proceedings before the learned trial court at Patiala were stayed. Learned counsel appeared on behalf of the respondent on the last date of hearing and once sought pass over, which was granted. However, when the matter was taken up after post lunch session, none put in appearance on behalf of the respondent. Similar is the position today. Nobody has come present on behalf of the respondent to contest the present transfer application.

Heard learned counsel for the applicant.

It has gone uncontroverted and undisputed before this court that the applicant-wife is staying with her parents at Sangrur. Neither, the applicant is having any regular source of income nor the respondent-husband is regularly paying any amount of maintenance. Distance between Patiala and Sangrur is about 60 kms.

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 in not paying any amount of maintenance to the applicant-wife 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 16.3.2016 passed by this court in TA No.945 of 2015 (Sushma and others Vs. Kapil @ Sahil Bansal), which, in turn, was based on the judgements 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. Petition under Section 12 of the Hindu Marriage Act titled as Joginder Singh Vs. Navdeep Kaur is ordered to be transferred from Patiala to Sangrur.

Accordingly, learned District Judge, Patiala is directed to send

the complete record of the abovesaid petition filed by the respondent-husband, to the learned District Judge, Sangrur 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, Sangrur 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.

24.5.2016
GS

(RAMESHWAR SINGH MALIK)
JUDGE