

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.157 of 2016

Date of decision: 20.05.2016

Nisha

... Applicant

Vs.

Sanjeev Kakkar

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Ankit Grewal, Advocate
for the applicant.

Respondent in person.

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 present transfer application under Section 24 of the Code of Civil Procedure, seeks transfer of a divorce petition filed by the respondent-husband from Panipat to Sonapat.

Notice of motion was issued and pursuant thereto, respondent-husband has come present in person.

Heard learned counsel for the applicant as well as respondent.

It has gone undisputed before this Court that the applicant-wife is living with her parents at Sonapat. Other litigations between the parties, at the instance of the applicant-wife are pending at Sonapat. Respondent-husband has nothing to say in this regard except that he would be having some apprehension from the relatives of the applicant-wife. However, the apprehension so expressed by the respondent-husband seems to be wholly misplaced. Distance between Panipat and Sonapat is about 50 kilometers.

In view of the abovesaid undisputed fact situation obtaining in

the present case, this Court feels no hesitation to conclude that instant transfer application deserves to be allowed. It is so said because pendency of other litigations between the parties at the place, where the applicant-wife is seeking transfer of the litigations filed by 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. Divorce petition titled as Sanjeev Kakkar Vs. Nisha filed by the respondent-husband, is ordered to be transferred from Panipat to Sonapat.

Accordingly, learned District Judge, Panipat is directed to send the complete record of the abovesaid divorce petition, to the learned District Judge, Sonapat 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, Sonapat 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

20.05.2016
vishnu