

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.159 of 2016

Date of decision: 20.05.2016

Kajal Sharma

... Applicant

Vs.

Vickey @ Vickey Sharma

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Satbir Rathore, Advocate
for the applicant.

Mr. Ramesh Sharma, 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 present transfer application under Section 24 read with Section 151 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 Nakodar, District Jalandhar to Dasuya, District Hoshiarpur.

Notice of motion was issued and in the meantime, further proceedings before the learned trial Court at Nakodar were stayed.

Heard learned counsel for the parties.

It has gone undisputed before this Court that the applicant-wife is staying with her parents at Dasuya in District Hoshiarpur. 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 Nakodar and Dasuya is about 90 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 financial status of the wife, source of income, conduct of the respondent-husband in not paying the amount of maintenance 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 Vicky @ Vicky Sharma Vs. Kajal Sharma filed by the respondent-husband, is ordered to be transferred from Nakodar, District Jalandhar to Dasuya, District Hoshiarpur.

Accordingly, learned District Judge, Jalandhar is directed to send the complete record of the abovesaid petition, to the learned District Judge, Hoshiarpur 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, Hoshiarpur is also directed to assign the abovesaid case to the learned Court of competent jurisdiction at Dasuya 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
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