

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.176 of 2016

Date of decision: 25.04.2016

Simranjot Kaur

... Applicant

Vs.

Inderjit Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Sushil Bhardwaj, Advocate
for the applicant.

None 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 instant application under Section 24 of the Code of Civil Procedure, seeks transfer of a divorce petition filed by the respondent-husband from Ambala to Karnal.

Notice of motion was issued.

As per office report, service is complete. However, nobody has come present on behalf of the respondent to contest the instant transfer application.

Heard learned counsel for the applicant.

It has gone undisputed before this Court that there is one child out of this wedlock. Applicant-wife along with her minor child, is living with her parents at her ancestral village in Tehsil Nilokheri, District Karnal.

Neither the applicant-wife is having any regular source of income nor the respondent-husband is paying any amount of maintenance either for the applicant-wife or for the child. Distance between Ambala and Karnal is about 80 kilometers.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that the present transfer application deserves to be allowed. It is so said because financial status of the wife, her source of income, her responsibility for bringing up the children 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.

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. Divorce petition filed by the respondent-husband titled as Inderjit Singh Vs. Simranjot Kaur is ordered to be transferred from Ambala to Karnal.

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

Judge, Karnal 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, Karnal 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

25.04.2016
vishnu