

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

TA No. 181 of 2016

Date of decision: 30.3.2016

Harbans Kaur

.. Applicant

Vs.

Darshan Singh

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Rajwinder Kaur, Advocate for
Mr. Tribhawan Singla, Advocate
for the applicant.

Mr. Ashok Bhardwaj, Advocate
for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant-wife, by way of instant transfer application under Section 24 of the Code of Civil Procedure, 1908, seeks transfer of a petition under Section 13 of the Hindu Marriage Act, 1955, ('HM Act' for short), filed by the respondent-husband, from Sangrur to Barnala.

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed between the parties that there were two children out of the wedlock but unfortunately one child has

passed away. Applicant-wife, alongwith her minor child, is staying with her parents at village Attar Singh Wala, District Barnala. Applicant has got no regular source of income. She is living under the protective umbrella of her old parents. The respondent husband is not paying any amount of maintenance to the applicant-wife. Distance between Sangrur and Barnala is about 40 kilometers.

In view of the abovesaid fact situation obtaining in the present case, this Court is of the considered opinion that applicant-wife has made out a case for transferring the divorce petition from Sangrur to Barnala. It is so said because financial status of the wife, her responsibility for bringing up the children and distance between two places, besides her convenience, are some of the relevant factors for deciding the transfer application like the present one.

The abovesaid view taken by this Court also finds support from the earlier 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 application deserves to be accepted and the same is hereby allowed. Accordingly, the learned District Judge, Sangrur, is directed to send complete record of the petition under Section 13 of the HM Act filed by the respondent-husband bearing HMA No. 53/2016 (Darshan Singh

Vs. Harbans Kaur) to the learned District Judge, Barnala, at an early date but in any case within a period of one month from the date of receipt of certified copy of this order. The learned District Judge, Barnala, is also directed either to decide the case himself or assign it to the court of competent jurisdiction, for an early decision, in accordance with law.

With the abovesaid observations made and directions issued, present transfer application stands disposed of, however, with no order as to costs.

**(RAMESHWAR SINGH MALIK)
JUDGE**

30.3.2016
AK Sharma