IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.187 of 2016
Date of decision: 31.05.2016

Sunanda

... Applicant

Vs.

Jatinder Kumar Sardana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Kanica Sachdeva, Advocate
for the applicant.

Mr. N.S. Vashist, 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

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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 divorce petition filed by the respondent-husband from Patiala to Bathinda.

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

Heard learned counsel for the parties.

It has gone undisputed before this Court that there is one child out of this wedlock. Applicant-wife, along with her minor child, is staying with her parents at Bathinda. She is not having any regular source of income. Distance between Patiala and Bathinda is more than 150 kilometers.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court is of the considered opinion that instant transfer

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application deserves to be allowed. It is so said because responsibility of the wife for bringing up the child, her financial status, her source of income 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 bearing No.DMC/661/2015 titled as Jatinder Kumar Sardana Vs. Sunanda filed by the respondent-husband, is ordered to be transferred from Patiala to Bathinda.

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

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