

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.197 of 2016

Date of decision: 11.04.2016

Nirmal

... Applicant

Vs.

Ajay Kumar

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. V.K. Kaushal, Advocate
for the applicant.

Mr. Snehdip Oberoy, 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, by way of instant application under Section 24 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 Abohar to Amritsar.

Notice of motion was issued.

Heard learned counsel for the parties.

At the very outset, learned counsel for the applicant submits that there are some typing mistakes in para 7 of the application.

It has gone undisputed before this Court that applicant-wife is living with her parents at Amritsar. She is not having any regular source of

income. Respondent-husband is not paying any amount of maintenance to the applicant-wife. Distance between Abohar and Amritsar is about 200 kilometers.

In view of the abovesaid fact situation obtaining in the present case, this Court feels no hesitation to conclude that present transfer application deserves to be allowed. It is so said because financial status of the wife and distance between two places, besides her convenience, 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. Petition under Section 9 of the HM Act titled as Ajay Kumar Vs. Nirmal filed by the respondent-husband at Abohar, is ordered to be transferred to Amritsar.

Accordingly, learned District Judge, Ferozepur is directed to send the complete record of the petition under Section 9 of the HM Act filed by the respondent-husband, to the learned District Judge, Amritsar 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, Amritsar 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

11.04.2016
vishnu