

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.280 of 2016

Date of decision: 31.05.2016

Gurminder Kaur

... Applicant

Vs.

Gurpreet Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Nemo.

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)

Divorce petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (for short 'HM Act'), is being sought to be transferred by the applicant-wife from Patiala to Chandigarh, by way of present transfer application under Section 24 of the Code of Civil Procedure.

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

As per office report, service is complete. Called twice, however, nobody has come present on behalf of either of the parties.

As per the uncontroverted averments taken in the instant transfer application, there is one child out of this wedlock. Applicant-wife, along with her minor child, is staying with her parents at Chandigarh. 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 Patiala and Chandigarh is about 70 kilometers.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court is of the considered opinion that instant transfer 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 under Section 13 of the HM Act bearing case No.DMC 199 of 2016 titled as Gurpreet Singh Vs. Gurminder Kaur filed by the respondent-husband, is ordered to be transferred from Patiala to Chandigarh.

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

31.05.2016
vishnu