

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.310 of 2016

Date of decision: 04.05.2016

Sukhwinder Kaur and others

... Applicants

Vs.

Dilbagh Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. R.S. Budhwar, Advocate
for the applicants.

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)

Applicants, by way of instant application under Section 24 read with Section 151 of the Code of Civil Procedure, seek transfer of a civil suit for damages titled as Dilbagh Singh Vs. Sukhwinder Kaur and others filed by the respondent from Ludhiana to Rajpura, District Patiala.

Notice of motion was issued.

As per dasti notice issued, respondent has been duly served, however, nobody has come present on behalf of the respondent to contest the instant transfer application.

Heard learned counsel for the applicants.

It has gone undisputed before this Court that the abovesaid civil suit has arisen out of a matrimonial dispute. There are two children out of

this wedlock. Applicant No.1-wife, along with her minor children, is staying with her parents at Rajpura, District Patiala. 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 children. Distance between Rajpura and Ludhiana 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 responsibility of the wife for bringing up the children, her source of income, her financial status, conduct of the respondent 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. Civil Suit for damages titled as Dilbagh Singh Vs. Sukhwinder Kaur and others filed by the respondent, is ordered to be transferred from Ludhiana to Rajpura, District Patiala.

Accordingly, learned District Judge, Ludhiana is directed to send the complete record of the abovesaid civil suit, to the learned District

Judge, Patiala 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, Patiala is also directed to assign the abovesaid civil suit to the learned Court of competent jurisdiction at Rajpura 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

04.05.2016
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