

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

**TA No. 39 of 2016
Date of decision: 28.3.2016**

Swaranjit Kaur

.. Applicant

Vs.

Sarwan Singh

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. G.S. Pannu, Advocate
for the applicant.

Mr. Janak Singh Bhinder, 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 9 of the Hindu Marriage Act, 1955, ('HM Act' for short), filed by the respondent-husband, from Abohar to a court of competent jurisdiction at Tohana, District Fatehabad.

Notice of motion was issued.

Reply on behalf of the respondent, filed in the Court today, is taken on record and copy thereof has been supplied to the learned counsel for the applicant.

Heard learned counsel for the parties.

The undisputed facts between the parties are that there is a child out of the wedlock, who is living with the applicant-wife. The applicant-wife, alongwith her minor child, is residing with her parents at Tohana. She is not having any regular source of income. Respondent-husband is not paying any amount to the applicant-wife on account of maintenance. Distance between Abohar and Tohana is more than 200 Kilometers.

In view of the abovesaid undisputed fact situation, this Court is of the considered opinion that instant application deserves to be accepted. 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 considerations for deciding the transfer application like the present one.

In view of what has been discussed hereinabove, this Court is of the considered view that it would be just and expedient to transfer the petition under Section 9 of the HM Act, filed by the respondent-husband, from Abohar to Tohana and the same is hereby ordered, so as to avoid any unwarranted difficulty and harassment to the applicant-wife in pursuing the abovesaid litigation imposed on her by the respondent-husband.

Accordingly, learned District Judge, Ferozepur, is directed to send complete record of the petition under Section 9 filed by the respondent titled as Sarwan Singh Vs. Swaranjit Kaur to the learned District Judge, Fatehabad, 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, Fatehabad, 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**

28.3.2016
AK Sharma