

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**TA No.44 of 2016
Date of decision:31.3.2016**

Gurpreet Kaur

...Applicant

Versus

Kulwinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Gulzar Mohd, Advocate for the applicant.
Mr.Balkaran Singh, Advocate for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant seeks transfer of a petition filed by the respondent-husband under Section 25 of the Guardian & Wards Act and Sections 6 and 13 of Hindu Minority and Guardianship Act from Phul, District Bathinda to Barnala.

Notice of motion was issued.

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 in District Barnala. She is having no regular source of income. Distance between the place of residence of applicant and Phul, District Bathinda is about 50 kilometers, as submitted by the learned counsel for the applicant. However, learned counsel for the respondent submits that since the applicant is

In view of the above-said undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that the petition under Section 9 of the HM Act filed by the respondent-husband deserves to be transferred to Ludhiana. It is so said because financial status of the applicant-wife and distance between two places, besides her convenience, are some of the relevant considerations for deciding the transfer application, like the present one.

The abovesaid view taken by this Court also finds support from the order dated 16.3.2016 passed by this Court in TA No.945 of 2015 (Sushma and others v. 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 the instant transfer application deserves to be accepted and the same is hereby allowed. Petition under Section 9 of the HM Act bearing case No. HMA 0000069/2015 dated 9/12/2015 titled as "Kulwinder Singh vs. Gurpreet Kaur", filed by the respondent-husband, is ordered to be transferred from Budhladha to Ludhiana.

Accordingly, learned District Judge, Mansa, is directed to send the complete record of the petition under Section 9 of the HM Act to the learned District Judge, Ludhiana, at an early date and in any case within a period of one month from the date of receipt of a certified copy of this order.

Learned District Judge, Ludhiana, is also directed either decide the case himself or assign it to the learned court of competent jurisdiction for its early decision, in accordance with law.

With the above-said observations made and directions issued, the instant transfer application stands disposed of.

31.3.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE