

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.50 of 2016

Date of decision: 01.04.2016

Kirti @ Neha

... Applicant

Vs.

Ravi Kumar

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Paras Talwar, Advocate
for the applicant.

Mr. Rakesh Gupta, 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-wife, by way of instant application under Section 24 read with Section 151 of the Code of Civil Procedure, 1908, seeks transfer of a petition under Section 9 of the Hindu Marriage Act, 1955 (for short 'HM Act') filed by the respondent-husband from Assand, district Karnal to Ludhiana.

Notice of motion was issued and interim order was passed.

Heard learned counsel for the parties.

It has gone undisputed before this Court that the applicant-wife is living under the protective umbrella of her parents at Ludhiana. She is not

having any regular source of income. Respondent-husband is not paying any amount of maintenance to the applicant-wife. Distance between Assandh, District Karnal and Ludhiana is more than 200 kilometers.

In view of the abovesaid 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 at Assandh, District Karnal deserves to be transferred to Ludhiana. It is so said because financial status of the wife 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.

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 filed by the respondent-husband at Assandh, District Karnal is ordered to be transferred to Ludhiana.

Accordingly, learned District Judge, Karnal 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, Ludhiana 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, Ludhiana 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 allowed, however, with no order as to costs.

**[RAMESHWAR SINGH MALIK]
JUDGE**

01.04.2016
vishnu