

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

TA No.69 of 2016

Date of decision: 10.03.2016

Mona Kalra

... Petitioner

Vs.

Rohit Sharma

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. M.S. Rana, Advocate
for the petitioner.

Mr. Ramesh Chander Sharma, Advocate
for the respondent.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner-wife, by way of instant petition under Section 24 read with Section 151 of the Code of Civil Procedure, seeks transfer of a case bearing No.GA-67 of 2015 titled as Rohit Sharma Vs. Mona Kalra, filed by the respondent-husband under Section 25 of the Guardians and Wards Act ('the Act' for short) from Chandigarh to Jalandhar.

Notice of motion was issued. Service is complete, however, no reply has been filed.

Heard learned counsel for the parties.

It is undisputed between the parties that marriage took place on 26.06.2009. There is a child out of this wedlock who is staying with the petitioner-wife at Jalandhar. Petitioner is living with her parents and she has got no regular source of income. Because of this reason, it is difficult for the petitioner to come Chandigarh from Jalandhar on each and every date of

hearing with a view to pursue the litigation imposed on her by the respondent-husband. Further, other litigations at the instance of the petitioner-wife, including under Section 125 Cr.P.C. titled as Mona Kalra Vs. Rohit Sharma, are pending at Jalandhar. Respondent-husband is not paying any amount of maintenance to the petitioner-wife as well as child which has further aggravated the disadvantageous position for the petitioner-wife.

In view of the abovesaid undisputed fact situation, this Court is of the considered opinion that it would be just and expedient to transfer the petition under Section 25 of the Act from Chandigarh to the learned Court of competent jurisdiction at Jalandhar, so as to enable the petitioner-wife to pursue the litigation without any serious difficulty. Transfer of the petition from Chandigarh to Jalandhar shall also be in the interest of justice.

Accordingly, instant petition is allowed. Learned District Judge, Chandigarh is directed to send the complete record of the petition bearing No.GA-67 of 2015 titled as Rohit Sharma Vs. Mona Kalra under Section 25 of the Act to the learned District Judge, Jalandhar 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, Jalandhar shall either decide the matter himself or assign the case to learned Court of competent jurisdiction for its early decision, in accordance with law.

With the abovesaid observations made and directions issued, instant petition stands disposed of.

[RAMESHWAR SINGH MALIK]
JUDGE

10.03.2016
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