

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

TA-77-2016

Date of decision:04.04.2016

Preeti @ Mamta

...Applicant

Versus

Raman Khanna

...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.Sumeet Puri, Advocate for the applicant.
None for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant-wife, by way of instant application under Section 24 of the Code of Civil Procedure, seeks transfer of a divorce petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 ('the HM Act' for short) bearing HMA No.492/2015 titled as 'Raman Khanna Vs. Preeti @ Mamta', from Karnal to Sangrur.

Notice of motion was issued and interim stay was granted.

As per office report, service is complete. When the case was taken up before lunch session, it was passed over to await the appearance on behalf of the respondent. The case is taken up after lunch session but no one has put in appearance on behalf of the respondent to contest the present transfer application.

Heard learned counsel for the applicant.

It has gone undisputed before this Court that applicant-wife is staying with her parents at Sangrur. She has no regular source of income and respondent-husband is not paying any amount of maintenance to the applicant-wife. Distance between Karnal and Sangrur is more than 200 kilometers.

In view of the abovesaid undisputed fact situation obtaining in the instant case, this Court feels no hesitation to conclude that present transfer application deserves to be allowed. It is so said, because financial status of the applicant-wife and distance between two places, besides the convenience of the wife, 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 16.03.2016 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 totality of 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 filed by the respondent-husband under Section 13 of the HM Act bearing HMA No.492/2015 titled as 'Raman Khanna Vs. Preeti @ Mamta' is ordered to be transferred from Karnal to Sangrur.

Accordingly, District Judge, Karnal, is directed to send complete record of the above-said divorce petition to the learned District Judge, Sangrur, 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, Sangrur, 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 abovesaid observations made and directions issued, the present transfer application stands disposed of.

04.04.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE