

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.8 of 2016 (O&M)
Date of decision: 29.03.2016

Surender Kaur

... Applicant

Vs.

Jaswinder Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Sharmila Sharma, Advocate
for the applicant.

Mr. Jagdeep Singh, Advocate for
Mr. R.S. Mamli, 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)

CM No.5932-CII of 2016

Applicant seeks permission to place on record additional documents in the form of Annexures P-4 and P-5.

Application is allowed, as prayed for.

CM stands disposed of.

TA No.8 of 2016

Applicant-wife, by way of instant application under Section 24 read with Section 151 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 (for short 'HM Act') from Hisar to a learned Court of competent jurisdiction at Panipat.

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed before this Court that there is a child out of this wedlock, who is staying with the applicant-wife. Applicant is not having any regular source of income. She is staying with her parents at Panipat. Other litigations at the instance of applicant-wife are also pending before the learned Court of competent jurisdiction at Panipat. Respondent-husband is not paying any amount of maintenance to the applicant-wife. There is a distance of more than 100 kilometers between Hisar and Panipat.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that instant transfer application deserves to be allowed by transferring the divorce petition from Hisar to Panipat. It is so said because financial status of the wife, her responsibility for bringing up the children and the distance between two places 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 earlier order dated 16.03.2016 passed by this Court in TA No.945 of 2015, which, in turn, was based on the judgments of the Hon'ble Supreme Court, as well as different High Courts, including this Court.

Considering the peculiar facts and circumstances of the case noted above, this Court is of the considered view that instant application

deserves to be accepted and the same is hereby allowed. Divorce petition filed by the respondent-husband under Section 13 of the HM Act at Hisar is ordered to be transferred to Panipat.

Accordingly, learned District Judge, Hisar is directed to send the complete record of the abovesaid case to the learned District Judge, Panipat 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, Panipat 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, present application stands disposed of.

29.03.2016
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE