

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

TA No.83 of 2016

Date of decision: 05.05.2016

Gunjan Kochhar

... Applicant

Vs.

Karan Kochhar

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Vaibhav Sehgal, Advocate
for the applicant.

Mr. B.B. Sharma, 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 of the Code of Civil Procedure, seeks transfer of a divorce petition filed by the respondent-husband from Faridabad to Ludhiana.

Notice of motion was issued and pursuant thereto, short reply has been filed on behalf of the respondent-husband in the Court today, which is taken on record and copy thereof has been supplied to learned counsel for the applicant.

Heard learned counsel for the parties.

It has gone undisputed before this Court that the applicant-wife is living with her parents at Khanna, District Ludhiana. Neither the

applicant-wife is having any regular source of income nor the respondent-husband is paying any amount of maintenance to the applicant-wife. Distance between Faridabad and Ludhiana is more than 300 kilometers.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court is of the considered opinion that the present transfer application deserves to be allowed. It is so said because financial status of the wife, her regular source of income, conduct of the respondent-husband 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.

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. Divorce petition bearing No.HMA No.1209 dated 16.11.2015 titled as Karan Kochhar Vs. Gunjan filed by the respondent-husband, is ordered to be transferred from Faridabad to Ludhiana.

Accordingly, learned District Judge, Faridabad is directed to send the complete record of the abovesaid divorce petition, 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 disposed of, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

05.05.2016
vishnu