

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.90 of 2016

Date of decision: 09.05.2016

Arti

... Applicant

Vs.

Parshant Kumar @ Bunty

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Vivek K. Thakur, Advocate
for the applicant.

Mr. Ankit 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 petition under Section 9 of the Hindu Marriage Act, 1955 (for short 'HM Act') filed by the respondent-husband from Ferozepur to Anandpur Sahib, District Ropar.

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed before this Court that there are two children out of this wedlock. Applicant-wife, along with her minor children, is living with her parents at Naya Nangal, District Ropar. Neither the applicant-wife is having any regular source of income nor the respondent-

husband is paying any amount of maintenance either for the applicant-wife or for the children. Distance between Ferozepur and Anandpur Sahib is more than 250 kilometers.

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. It is so said because responsibility of the wife to bring up the children, her financial status, her source of income, conduct of the 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. Petition under Section 9 of the HM Act titled as Parshant Kumar @ Bunt Vs. Arti filed by the respondent-husband, is ordered to be transferred from Ferozepur to Anandpur Sahib, District Ropar.

Accordingly, learned District Judge, Ferozepur is directed to send the complete record of the abovesaid petition, to the learned District Judge, Ropar 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, Ropar is also directed to assign the abovesaid petition to the learned Court of competent jurisdiction at Anandpur Sahib 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.

09.05.2016
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE