

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.192 of 2015

Date of decision: 29.03.2016

Sikha Gupta

... Applicant

Vs.

Arun Gupta

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Deepak Gupta, Advocate
for the applicant.

Mr. K.S. Dadwal, Advocate and
Mr. Manish Dadwal, 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 read with Article 227 of the Constitution of India, seeks transfer of a divorce petition bearing case No.HMA-1/2.1.2015 titled as Arun Gupta Vs. Shikha Gupta filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (for short 'HM Act') from Hoshiarpur to Bathinda.

Notice of motion was issued and reply on behalf of the respondent has been filed.

Heard learned counsel for the parties.

It has gone undisputed between the parties that there are two minor daughters out of this wedlock. Both the minor daughters are staying with the respondent-husband. Applicant-wife is staying with her parents at Bathinda. She has no regular source of income. Respondent-husband is not paying any amount for maintenance to the applicant-wife. Distance between Hoshiarpur and Bathinda is more than 200 kilometers.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that instant application deserves to be allowed. Financial status of the wife as well as 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 totality of facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that instant application is deserves to be accepted and the same is hereby allowed. Divorce petition filed by the respondent-husband under Section 13 of HM Act at Hoshiarpur is ordered to be transferred to Bathinda. Since the record of divorce petition had already been sent by the learned District Judge, Hoshiapur to learned District Judge, Bathinda in compliance of the order dated 18.03.2015 passed by this Court, learned

District Judge, Bathinda is 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.

[RAMESHWAR SINGH MALIK]
JUDGE

29.03.2016
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