

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

TA No.212 of 2015
Date of Decision : 3.5.2016

Reshma

.....Applicant

Vs.

Ravinder

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. Saurabh Bajaj, Advocate for the applicant.

...

1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Applicant-wife, by way of instant application under Section 24 of the Code of Civil Procedure, ('CPC' for short), seeks transfer of a divorce petition filed by the respondent husband from Sonapat to Karnal.

Notice of motion was issued and further proceedings before the learned trial court were stayed. As per repeated refusal reports by the process serving agency, the service is deemed to have been effected on the respondent. However, nobody has come present to contest this transfer application.

Heard learned counsel for the applicant.

It has gone undisputed before this court that the applicant-wife is residing with her parents at her ancestral village in Distt. Karnal. The applicant-wife is not having any regular source of income nor the

respondent-husband is regularly paying any amount of maintenance. Distance between Sonapat to Karnal is about 80 kms.

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 source of income, conduct of the parties 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 16.3.2016 passed by this court in TA No.945 of 2015 (Sushma and others Vs. Kapil @ Sahil Bansal), which, in turn, was based on the judgements of the Hon'ble Supreme Court, as well as different High Courts, including this court.

No other argument was raised.

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 under Section 13 of the Hindu Marriage Act titled as Ravinder Vs. Reshma is ordered to be transferred from Sonapat to Karnal.

Accordingly, learned District Judge, Sonapat, is directed to send the complete record of the abovesaid divorce petition filed by the respondent-husband, to the learned District Judge, Karnal 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, Karnal 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.

3.5.2016
GS

(RAMESHWAR SINGH MALIK)
JUDGE