

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

TA No.223 of 2015

Date of decision: 13.05.2016

Ravinder Kaur @ Renu

... Applicant

Vs.

Paramjeet Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Jatinderpal Singh, Advocate
for the applicant.

Mr. Parminder Singh, 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 read with Section 151 of the Code of Civil Procedure, 1908, seeks transfer of a petition under Section 7 of the Guardian and Wards Act, 1890 (for short 'the Act') filed by the respondent-husband from Karnal to Yamunanagar.

Notice of motion was issued and further proceedings before the learned trial Court were stayed.

Reply filed on behalf of the respondent in the Court today, 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 there is a child out

of this wedlock. Applicant-wife, along with her minor child, is living with her parents at her ancestral village in District Yamunanagar. 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 Karnal and Yamunanagar is more than 70 kilometers.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that the present transfer application deserves to be allowed. It is so said because responsibility of the wife for bringing up the child, her financial status, her source of income, conduct of the respondent-husband in not paying the amount of maintenance 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 7 of the Act titled as Paramjeet Singh Vs. Ravinder Kaur @ Renu filed by the respondent-husband, is ordered to be transferred from Karnal to Yamunanagar.

Accordingly, learned District Judge, Karnal is directed to send

the complete record of the abovesaid petition, to the learned District Judge, Yamunanagar 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, Yamunanagar 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

13.05.2016
vishnu