

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

**TA No. 98 of 2016
Date of decision: 28.3.2016**

Gurwinder Kaur

.. Applicant

Vs.

Manmeet Singh

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Amrinder Pratap Singh, Advocate for
Mr. Gurnam Singh, Advocate
for the applicant.

Mr. Ramesh Sharma, Advocate for
Mr. Ashok Bhardwaj, Advocate
for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant-wife, through instant transfer application under Section 24 of the Code of Civil Procedure, 1908, seeks transfer of a petition under Section 13 of the Hindu Marriage Act, 1955, ('HM Act' for short), filed by the respondent-husband, from Sangrur to Patiala.

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed between the parties that there are two minor children out of the wedlock. One is living with applicant-wife and another is living with respondent-husband. Applicant, alongwith her minor child, is living with her parents at Rajpura, District Patiala. She is having no regular source of income. The respondent husband is not paying any amount of maintenance to the applicant-wife. Distance between Rajpura and Sangrur would be about 90 kilometers.

In view of the abovesaid fact situation of the present case, this Court is of the considered opinion that it would be just and expedient to order transfer of the petition under Section 13 of the HM Act, filed by the respondent-husband, from Sangrur to Patiala. It is so said because financial status of the wife, her responsibility of bringing up the children and distance between two places, besides her convenience, are some of the relevant considerations for deciding the transfer application like the present one.

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 application deserves to be accepted and the same is hereby allowed. Accordingly, the learned District Judge, Sangrur is directed to send complete record of the petition under Section 13 filed by the respondent-husband to the learned District Judge, Patiala, at an early date but in any case within a period of one month from the date of receipt of certified copy of this order. The learned District Judge, Patiala, is also directed either to decide the case himself or assign it to the court of competent jurisdiction, for an early decision, in accordance with law.

With the abovesaid observations made and directions issued, present transfer application stands disposed of, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

28.3.2016
AK Sharma