

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

TA No.241 of 2015

Date of decision: 20.05.2016

Harpreet Kaur

... Applicant

Vs.

Ravinder Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Nemo.

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 present transfer application under Section 24 of the Code of Civil Procedure, seeks transfer of a divorce petition filed by the respondent-husband from Ludhiana to Yamuna Nagar.

Notice of motion was issued and pursuant thereto, respondent appeared in person on 20.07.2015 and 14.08.2015. However, thereafter he did not appear on 19.01.2016 and in the interest of justice, case was adjourned for today. None has come present on behalf of either of the parties to press or contest the instant transfer application.

As per the uncontroverted averments taken in the application, it has gone undisputed before this Court that the applicant-wife is living with her parents at Yamuna Nagar. This was the second marriage of both the parties. 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. Other litigations between the parties, at the instance of the applicant-wife, are also pending at Yamuna Nagar. Distance between Yamuna Nagar and Ludhiana is more than 150 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 financial status of the wife, 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. Divorce petition titled as Ravinder Singh Vs. Harpreet Kaur filed by the respondent-husband, is ordered to be transferred from Ludhiana to Yamuna Nagar.

Accordingly, learned District Judge, Ludhiana is directed to send the complete record of the abovesaid petition, to the learned District Judge, Yamuna Nagar 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, Yamuna Nagar 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

20.05.2016
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