

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

TA No.288 of 2015

Date of decision: 21.04.2016

Jaspal Kaur

... Applicant

Vs.

Jagsir Singh

... Respondent

**CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

Present: Mr. Harish Sharma, Advocate  
for the applicant.

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

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**RAMESHWAR SINGH MALIK, J. (ORAL)**

Applicant, by way of instant application under Section 24 read with Section 151 of the Code of Civil Procedure, seeks transfer of a petition under Section 9 of the Hindu Marriage Act, 1955 (for short 'HM Act') filed by the respondent-husband from Moga to Ludhiana.

Notice of motion was issued vide order dated 24.04.2015. Learned counsel for the respondent appeared on 03.09.2015 and on his request, case was adjourned to 27.11.2015. On 27.11.2015, learned counsel for the respondent again sought time and on his request, case was adjourned to 18.03.2016. On 18.03.2016, case was adjourned for today. Called twice, however, none has come present on behalf of the respondent to oppose the instant transfer application.

Heard learned counsel for the applicant.

It has gone undisputed before this Court that applicant-wife along

with the minor child, is staying with her parents at her ancestral house in Ludhiana. She is not having any regular source of income. Respondent-husband is not paying any amount of maintenance either for the applicant-wife or the minor child. Distance between Moga and Ludhiana is about 80 kilometers.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court is of the considered opinion that present transfer application deserves to be allowed. It is so said because financial status of the wife, her regular source of income, her responsibility for bringing up the children and distance between two places, besides her convenience, 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.

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. Petition under Section 9 of the HM Act bearing No.HMA No.124 dated 28.08.2014 titled as Jagsir Singh Vs. Jaspal Kaur filed by the respondent-husband is ordered to be transferred from Moga to Ludhiana.

Accordingly, learned District Judge, Moga is directed to send the complete record of the petition under Section 9 of the HM Act bearing No.HMA No.124 dated 28.08.2014 titled as Jagsir Singh Vs. Jaspal Kaur, to the learned

District Judge, Ludhiana 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, Ludhiana 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.

Parties are directed to appear before the learned District Judge, Ludhiana on 26.05.2016.

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**

21.04.2016  
*vishnu*