

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

TA No. 381 of 2015

Date of decision: 21.3.2016

Meena Kumari

.. Applicant

Vs.

Ramesh Kumar

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Tapish Gupta, Advocate for
Ms. Puja Chopra, Advocate
for the applicant.

None for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant-wife, by way of 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 Ferozepur to the court of competent jurisdiction at Patiala

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

Learned counsel for the respondent appeared on 27.7.2015. He sought and was granted time to argue the matter, adjourning the case to 14.8.2015. On 14.8.2015, case was

adjourned to 29.2.2016 and thereafter, it was adjourned to today. However, neither anybody is present on behalf the respondent, nor any request for pass over has been made. No reply has been filed so far.

Heard learned counsel for the applicant.

It has gone undisputed between the parties that there is no child out of this wedlock. Applicant-wife is residing with her parents at Patiala. She has no regular source of income. The respondent-husband is not paying any amount to the applicant-wife on account of maintenance. Other litigations are also pending at Patiala. Distance between Ferozepur and Patiala is about 200 kilometers.

Keeping in view the abovesaid uncontroverted fact situation obtaining in the instant case, coupled with the fact that convenience of wife, distance between two places and financial status of the wife are some of the relevant factors for deciding the transfer application, this Court feels no hesitation to conclude that it is in the interest of justice to transfer the petition under Section 13 of the HM Act, filed by the respondent-husband, from Ferozepur to Patiala, so as to avoid any unwarranted difficulty and harassment to the applicant-wife.

Accordingly, instant transfer application deserves to be accepted and the same is hereby allowed. The learned District Judge, Ferozepur, is directed to send complete record of the petition under Section 13 of the HM Act, filed at the instance of 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 to decide the case either 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**

21.3.2016
AK Sharma