

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

TA No.384 of 2015

Date of decision: 11.05.2016

Satinder Kaur

... Applicant

Vs.

Harjit Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

None 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 of the Code of Civil Procedure, seeks transfer of a divorce petition filed by the respondent-husband from Rupnagar to Fatehgarh Sahib.

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

On the joint request made by learned counsel for the parties, case was referred to Mediation and Conciliation Centre for exploring the possibility of an amicable settlement between the parties vide order dated 30.03.2016 passed by this Court. Respondent-husband was also directed to pay an amount of Rs.20,000/- to the applicant-wife as an interim measure, which would liable to be adjusted at the appropriate stage of the case.

However, the respondent-husband did not pay any amount to the applicant-wife nor the mediation proceedings could succeed. Called twice. None has come present on behalf of the respondent to contest the present transfer application.

Heard learned counsel for the applicant.

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 Fatehgarh Sahib. 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 Rupnagar and Fatehgarh Sahib is about 50 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 children, her source of income, her financial status, conduct of the respondent-husband 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 Harjit Singh Vs. Satinder Kaur filed by the respondent-husband, is ordered to be transferred from Rupnagar to Fatehgarh Sahib.

Accordingly, learned District Judge, Rupnagar is directed to send the complete record of the abovesaid divorce petition, to the learned District Judge, Fatehgarh Sahib 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, Fatehgarh Sahib 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

11.05.2016
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