

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

TA No. 420 of 2015

Date of decision: 31.3.2016

Davinder Kaur @ Babli @ Ramesh Kumari

.. Applicant

Vs.

Rajinder Singh

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Dinesh Nagar, Advocate
for the applicant.

Mr. Bikram Singh, Advocate
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 divorce petition under Section 13 of the Hindu Marriage Act, 1955, ('HM Act' for short), filed by the respondent-husband, from Ludhiana to Shaheed Bhagat Singh Nagar (Nawanshahr).

Notice of motion was issued and interim order was passed.

Reply on behalf of respondent, filed in the Court today, is taken on record and copy thereof has been supplied to the learned counsel for the applicant.

Heard learned counsel for the parties.

It has gone undisputed between the parties that there is a child out of the wedlock. Applicant, alongwith her minor child, is staying with her parents at Banga, District Shaheed Bhagat Singh Nagar (Nawanshahr). Applicant-wife is not having any regular source of income. The respondent husband is not paying any amount of maintenance either for the applicant-wife or for the minor child. She is living under the protective umbrella of her parents. Distance between Ludhiana and Shaheed Bhagat Singh Nagar is about 70 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 divorce petition filed by the respondent husband from Ludhiana to Shaheed Bhagat Singh Nagar (Nawanshahr). It is so said because financial status of the wife, 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 application like the present one.

The abovesaid view taken by this Court also finds support from the earlier 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 application deserves to be accepted and the same is hereby allowed. Accordingly, the learned District Judge, Ludhiana, is directed to send complete record of the petition under Section 13 of the HM Act filed by the respondent-husband bearing HMA/725/2015 titled as Rajinder Singh Vs. Davinder Kaur @ Babli, to the learned District Judge, Shaheed Bhagat Singh (Nawanshahr), 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, Shaheed Bhagat Singh (Nawanshahr), 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**

31.3.2016
AK Sharma