

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.422 of 2015

Date of decision: 31.03.2016

Sarita Sharma

... Applicant

Vs.

Rakesh Sharma

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Geeta Sharma, Advocate
for the applicant.

Mr. Krishan Singh, Advocate
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 petition under Section 9 of the Hindu Marriage Act, 1955 (for short 'HM Act') filed by the respondent-husband from Yamuna Nagar at Jagadhri to Patiala.

Notice of motion was issued and interim order was passed.
Service is complete but no reply has been filed.

Heard learned counsel for the parties.

It has gone undisputed before this Court that applicant-wife is staying with her parents at Patiala. She is not having any regular source of

income. Respondent-husband is not paying any amount of maintenance to the applicant-wife. Distance between Yamuna Nagar and Patiala is more than 100 kilometers.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that petition under Section 9 of the HM Act filed by the respondent-husband at Yamuna Nagar deserves to be transferred to Patiala. It is so said because financial status of the wife 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.

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. Petition under Section 9 of the HM Act filed by the respondent-husband at Yamuna Nagar at Jagadhri is ordered to be transferred to Patiala.

Accordingly, learned District Judge, Yamuna Nagar at Jagadhri is directed to send the complete record of the abovesaid petition under Section 9 of the HM Act titled as Rakesh Kumar Sharma Vs. Sarita Sharma,

to the learned District Judge, Patiala 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, Patiala 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, present application stands disposed of.

31.03.2016

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[RAMESHWAR SINGH MALIK]
JUDGE