

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

**TA No. 428 of 2015
Date of decision: 28.3.2016**

Suman

.. Applicant

Vs.

Ran Singh

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Sharad Kaushik, Advocate
for the applicant.

Mr. Shubhan Kaushik, Advocate for
Mr. Naveen Bhardwaj, Advocate
for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant-wife, through 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 Sirsa to Panipat.

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed between the parties that there is no child out of the wedlock. Applicant-wife is staying with her parents at Panipat and she has got no regular source of income. The respondent husband is not paying any amount of maintenance to the applicant-wife. Distance between Sirsa and Panipat is about 200 kilometers, as stated by learned counsel for the applicant.

In view of the abovesaid fact situation obtaining in the present case, this Court is of the considered opinion that it would be just and expedient to transfer the petition under Section 13 of the HM Act from Sirsa to Panipat, so as to avoid any undue harassment and difficulty to the applicant-wife in pursuing the litigation imposed on her by the respondent-husband. Further, financial status of the wife and distance between two places, besides her convenience, are some of the relevant factors for deciding the transfer application like the present one.

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 13 of the HM Act filed by the respondent-husband at Sirsa is ordered to be transferred to Panipat. Accordingly, the learned District Judge, Sirsa, is directed to send complete record of the petition under Section 13 of the HM Act filed by the respondent-husband to the learned District Judge, Panipat, 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, Panipat, 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**

28.3.2016
AK Sharma