

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

**TA No. 450 of 2015 (O&M)
Date of decision: 18.5.2016**

Sobika Rao

.. Applicant

Vs.

Ankit Kapoor

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. N.S. Shekhawat, 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 22 of the Special Marriage Act, 1954, ('the Act' for short), filed by the respondent-husband, from Ludhiana to Yamuna Nagar.

Notice of motion was issued and interim order was passed.

Perusal of previous orders would show that different counsel had put appearance on behalf of the respondent on different

dates of hearing, i.e. 30.7.2015, 27.8.2015, 22.9.2015 and 11.12.2015. However, out of them, none came present on behalf of the respondent on the last date of hearing. i.e. 22.3.2016 and one more opportunity was granted to the respondent. Similar is the position today as well. Nobody has come present on behalf of the respondent to contest this transfer application.

Heard learned counsel for the applicant.

It has gone undisputed before this Court that applicant-wife had been staying with her widow mother at Yamuna Nagar. Although now applicant is working at Delhi but she comes to stay with her mother at Yamuna Nagar, as and when time permits. There is no male member in the family. Other litigations, at the instance of the applicant-wife, is also pending at Yamuna Nagar. Distance between Yamuna Nagar and Ludhiana is about 190 Kilometers.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court is of the considered opinion that instant transfer application deserves to be allowed. It is so said because pendency of other litigations between the parties at a particular place, Yamuna Nagar in the present case, and distance between two places, besides convenience of wife, 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.

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. Petition under Section 22 of the Act filed by the respondent-husband bearing HMA Case No. 134/2015 (Ankit Kapoor VS. Sobika Rao) is ordered to be transferred from Ludhiana to Yamuna Nagar.

Accordingly, the learned District Judge, Ludhiana, is directed to send complete record of the abovesaid petition to the learned District Judge, Yamuna Nagar, 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, Yamuna Nagar, is also directed either to decide the case himself or assign it to the learned 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

18.5.2016
AK Sharma