

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

**TA No. 465 of 2015 (O&M)
Date of decision: 10.5.2016**

Urvashi Gupta

.. Applicant

Vs.

Harish Jindal

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Akshay Jindal, Advocate
for the applicant.

Mr. Ishan Gupta, Advocate
for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant-wife, by way of instant transfer application under Section 24 read with Section 151 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 Sangrur to Chandigarh.

Notice of motion was issued and in the meantime, further proceedings before the learned trial court were stayed.

Reply on behalf of the 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 before this Court that applicant-wife is working at Lalru and is staying at Chandigarh. As per the stand taken by the applicant, child is staying with her. However, learned counsel for the respondent submits that child is living with the parents of the applicant-wife at Talwandi Bhai, District Ferozepur. Be that as it may, child is not living with the respondent. The respondent-husband is also serving near Ropar. Distance between Sangrur and Chandigarh is more than 120 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 responsibility of wife 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.

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 13 of the HM Act filed by the respondent husband titled as Harish Jindal Vs. Urvashi Gupta, is ordered to be transferred from Sangrur to Chandigarh.

Accordingly, the learned District Judge, Sangrur, is directed to send complete record of the abovesaid petition to the learned District Judge, Chandigarh, 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, Chandigarh, 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**

10.5.2016
AK Sharma