

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

T.A.No.493 of 2015

Date of Decision:07.04.2016

Gurpreet Kaur

.....Applicant

Versus

Gurpreet Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK.

Present: Mr.Arvind Kashyap, Advocate,
for the applicant.

Mr.H.S.Randhawa, Advocate,
for Mr.P.S.Ahluwalia, 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 filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955, (in short "H.M.Act") from SAS Nagar, Mohali to Fatehgarh Sahib.

Notice of motion was issued and interim order was passed.

Heard learned counsel for the parties.

It has gone undisputed before this Court that the applicant-wife is residing with her parents in her ancestral village in District Fatehgarh Sahib. Applicant-wife is not having any regular source of income. The respondent-husband is not paying any amount of maintenance to the applicant-wife. Distance between SAS

Nagar, Mohali and Fatehgarh Sahib is about 35 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 financial status of the wife 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. Divorce petition filed by the respondent-husband bearing HMA No.96/2015 (Gurpreet Singh Vs. Gurpreet Kaur), is ordered to be transferred from SAS Nagar, Mohali to Fatehgarh Sahib.

Accordingly, the learned District Judge, SAS Nagar, Mohali, is directed to send complete record of the abovesaid divorce petition filed by the respondent-husband to the learned District Judge, Fatehgarh Sahib, 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, Fatehgarh Sahib, 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.

April 07, 2016
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(RAMESHWAR SINGH MALIK)
JUDGE