

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

TA No. 521 of 2015

Date of decision: 21.3.2016

Artri

.. Applicant

Vs.

Sanjay Kumar

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Robin Dutt, 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 13 of the Hindu Marriage Act, 1955, ('HM Act' for short), filed by the respondent-husband, from Kaithal to the court of competent jurisdiction at Ambala.

Notice of motion was issued.

Learned counsel for the respondent appeared on 19.11.2015 and sought time to file reply which was granted to him.

However, on the next date of hearing, i.e. 3.3.2016, neither he

appeared nor any reply was filed. Today again, neither anybody has come present on behalf of the respondent nor any request for pass over has been made. No reply has been filed so far.

Heard learned counsel for the applicant.

It has gone undisputed between the parties that there is a child out of the wedlock. Applicant-wife, alongwith her minor child, is residing with her parents at Naraingarh, District Ambala. Distance between Naraingarh and Kaithal is about 100 kilometers. Although, applicant-wife is a working lady, yet, as informed by the applicant herself who is present in the Court, she is on Child Care Leave for a period of two years. In such a situation, it would not only be inconvenient but very difficult for the applicant-wife to go to Kaithal from Naraingarh, alongwith her minor child, for pursuing the litigation which has been imposed on her by the respondent-husband.

Keeping in view the abovesaid uncontroverted fact situation obtaining in the instant case, this Court is of the considered opinion that it is in the interest of justice to transfer the petition under Section 13 of the HM Act, filed by the respondent-husband, from Kaithal to Ambala, so as to avoid any unwarranted difficulty and harassment to the applicant-wife.

Accordingly, instant transfer application deserves to be accepted and the same is hereby allowed. The learned District Judge, Kaithal, is directed to send complete record of the petition under Section 13 of the HM Act, filed at the instance of respondent-husband, to the learned District Judge, Ambala, 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, Ambala, is also directed to decide the case either 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**

21.3.2016
AK Sharma