

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.533 of 2015

Date of decision: 30.03.2016

Puneet Kaur

... Applicant

Vs.

Surjit Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. P.L. Singla, Advocate
for the applicant.

Mr. Y.P. Singla, Advocate
for the respondent.

1. Whether reporters of local papers may be allowed to see the judgment? YES/NO
2. To be referred to the reporters or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

RAMESHWAR SINGH MALIK, J. (ORAL)

Applicant-wife, by way of instant application under Section 24 of the Code of Civil Procedure, seeks transfer of a petition under Section 9 of the Hindu Marriage Act, 1955 (for short 'HM Act') filed by the respondent-husband from Batala in District Gurdaspur to Moga.

Notice of motion was issued and further proceedings before the learned trial Court were stayed.

Heard learned counsel for the parties.

It has gone undisputed before this Court that there is a child out of this wedlock. Applicant-wife along with her minor child is staying at

Moga and serving in a Govt. Department. Similarly, respondent-husband is also serving in a Govt. Department. Distance between Batala and Moga is about 100 kilometers. Petition filed by the applicant-wife under Section 125 Cr.P.C. is also pending at Moga.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that instant application deserves to be allowed. It is so said because distance between two places and convenience of the applicant-wife are some of the relevant considerations for deciding the transfer applications, like the present one.

The abovesaid view taken by this Court also finds support from the 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. Petition under Section 9 of the HM Act filed by the respondent-husband at Batala, District Gurdaspur is ordered to be transferred to Moga.

Accordingly, learned District Judge, Gurdaspur is directed to send the complete record of the petition under Section 9 of HM Act titled as Surjit Singh Vs. Puneet Kaur filed by the respondent-husband to the learned District Judge, Moga at an early date and in any case within a period of one

month from the date of receipt of certified copy of this order. Learned District Judge, Moga is also directed either to decide the case himself or assign it to the learned Court of competent jurisdiction for its early decision, in accordance with law.

With the abovesaid observations made and directions issued, present application stands disposed of.

30.03.2016
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE