

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.546 of 2015

Date of decision: 01.04.2016

Meenakshi

... Applicant

Vs.

Somvir Singh Siwach

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Jitender Dhanda, Advocate
for the applicant.

Mr. Manoj Chahal, Advocate for
Mr. Jagjeet Beniwal, 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, 1908, seeks transfer of a divorce petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (for short 'HM Act') from Bhiwani to Hisar.

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 the applicant-wife is staying under the protective umbrella of her parents at Hisar. Applicant-

wife is not having any regular source of income. Distance between Bhiwani and Hisar is about 60 kilometers. Further, a petition under Section 9 of the HM Act earlier filed by the respondent-husband at Bhiwani was also transferred to Hisar. Proceedings under Section 125 Cr.P.C. are also pending at Hisar.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that divorce petition filed by the respondent-husband at Bhiwani deserves to be transferred to Hisar. It is so said because financial status of the wife, pendency of other litigations between the parties and distance between two places, besides the convenience of the 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 transfer application deserves to be accepted and the same is hereby allowed. Divorce petition filed by the respondent-husband titled as Somvir Singh Vs. Meenakshi under Section 13 of the HM Act at Bhiwani is ordered to be transferred to Hisar.

Accordingly, learned District Judge, Bhiwani is directed to send

the complete record of the divorce petition filed by the respondent-husband titled as Somvir Singh Vs. Meenakshi under Section 13 of the HM Act, to the learned District Judge, Hisar 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, Hisar 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, instant transfer application stands disposed of.

01.04.2016
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE