

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.580 of 2015

Date of decision: 31.03.2016

Lovely @ Haithal

... Applicant

Vs.

Pawan Kumar

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. J.S. Chandail, Advocate
for the applicant.

Mr. Abhinav Gupta, 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 divorce petition filed by the respondent-husband from Jalandhar to Amritsar.

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 with her parents at her ancestral village in Tehsil Ajnala, District Amritsar. Applicant-wife is not having any regular source of income.

Distance between the place of residence of the applicant and Jalandhar is more than 100 kilometers.

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 Jalandhar deserves to be transferred to Amritsar, so as to avoid any undue harassment and difficulty to the applicant-wife in pursuing the litigation imposed on her by the respondent-husband. It is so said because financial status of the wife 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 application deserves to be accepted and the same is hereby allowed. Divorce petition filed by the respondent-husband at Jalandhar is ordered to be transferred to Amritsar.

Accordingly, learned District Judge, Jalandhar is directed to send the complete record of the divorce petition filed by the respondent-husband titled as Pawan Kumar Vs. Lovely @ Haithal, to the learned District

Judge, Amritsar 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, Amritsar 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.

31.03.2016

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[RAMESHWAR SINGH MALIK]
JUDGE