

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.594 of 2015

Date of decision: 02.05.2016

Harjit Kaur

... Applicant

Vs.

Deepak Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. L.S. Mann, Advocate
for the applicant.

Mr. Gagandeep Singh, Advocate for
Mr. A.S. Manaise, 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 Gurdaspur to Pathankot.

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

Heard learned counsel for the parties.

It has gone undisputed before this Court that there are two children out of this wedlock. Applicant-wife, along with her minor children, is living with her parents at Pathankot. Neither the applicant-wife is having any regular source of income nor the respondent-husband is paying any

amount of maintenance either for the applicant-wife or for the children, despite the fact that he is serving in the Army. Distance between Gurdaspur and Pathankot is about 40 kilometers.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that the present transfer application deserves to be allowed. It is so said because financial status of the wife, her responsibility for bringing up the children 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.

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 titled as Deepak Singh Vs. Harjit Kaur filed by the respondent-husband, is ordered to be transferred from Gurdaspur to Pathankot.

Accordingly, learned District Judge, Gurdaspur is directed to send the complete record of the abovesaid divorce petition, to the learned District Judge, Pathankot 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, Pathankot 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, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

02.05.2016
vishnu