

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

**TA No. 605 of 2015 (O&M)
Date of decision: 20.5.2016**

Paramjit Kaur

.. Applicant

Vs.

Brahamjit Singh

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Daldeep Singh, Advocate
for the applicant.

Mr. R.S. Rana, Advocate
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 divorce petition under Section 13 of the Hindu Marriage Act, 1955 ('HM Act' for short), filed by the respondent-husband, from Sangrur to Ludhiana.

Notice of motion was issued and in the meantime, further proceedings before the learned trial court were stayed.

Heard learned counsel for the parties.

It has gone undisputed before this Court that there are two children out of the wedlock. Both the children are pursuing their

studies. Applicant-wife claims that she alone is paying for both the children whereas the respondent-husband has also put similar claim. Be that as it may, applicant-wife, alongwith her major children, is staying with her mother at her ancestral village Jassowal (Kular), Tehsil Jagraon, District Ludhiana. Distance between Sangrur and Jagraon is about 100 Kilometers.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court is of the considered opinion that instant transfer application deserves to be allowed. It is so said because responsibility of the wife for bringing up the children and distance between two places, besides her convenience, are some of the relevant considerations for deciding the transfer application like the present one.

The abovesaid view taken by this Court also finds support from the earlier 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. Petition under Section 13 of the HM Act filed by the respondent-husband titled as Brahamjit Singh Vs. Paramjit Kaur, is ordered to be transferred from Sangrur to Ludhiana.

Accordingly, the learned District Judge, Sangrur, is directed

AMIT KUMAR
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I attest to the accuracy and
authenticity of this document

to send complete record of the abovesaid petition to the learned District Judge, Ludhiana, 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, Ludhiana, is also directed either to decide the case himself or assign it to the learned 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**

20.5.2016
AK Sharma