

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.614 of 2015 (O&M)

Date of decision: 17.05.2016

Savita

... Applicant

Vs.

Surender

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Chanderhas Yadav, Advocate
for the applicant.

None 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)

CM No.9743-CII of 2016

Applicant seeks permission to place on record photocopy of the petition under Section 125 Cr.P.C. as Annexure P-3 and also seeks exemption from filing certified copy thereof.

Application is allowed, as prayed for. Document is permitted to be placed on record. Exemption sought is granted.

CM stands disposed of.

TA No.614 of 2015

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 Sonapat to Jhajjar.

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

As per office report dated 13.05.2016, service is complete, however, nobody has come present on behalf of the respondent to contest the present transfer application.

Heard learned counsel for the applicant.

It has gone undisputed before this Court that the applicant-wife is living with her parents at her ancestral village in District Jhajjar. Neither the applicant-wife is having any regular source of income nor the respondent-husband is paying any amount of maintenance to the applicant-wife. Distance between Sonapat and the place of residence of the applicant-wife is about 80 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 source of income, conduct of the respondent-husband in not paying the amount of maintenance 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 bearing case No.DMC/514/2015 titled as Surender Kumar Vs. Savita filed by the respondent-husband, is ordered to be transferred from Sonapat to Jhajjar.

Accordingly, learned District Judge, Sonapat is directed to send the complete record of the abovesaid divorce petition, to the learned District Judge, Jhajjar 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, Jhajjar 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

17.05.2016
vishnu