

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.617 of 2015 (O&M)

Date of decision: 31.03.2016

Rajwinder Kaur

... Applicant

Vs.

Harjinder Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Pushpinder Kaur, Advocate for
Ms. G.K. Mann, Advocate
for the applicant.

Mr. Viney Puri, 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 Chandigarh.

Notice of motion was issued and interim order was passed.
Service is complete but no reply has been filed.

Heard learned counsel for the parties.

It has gone undisputed before this Court that the applicant-wife is serving at Chandigarh. Distance between Gurdaspur and Chandigarh is about 200 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 Gurdaspur deserves to be transferred to Chandigarh. It is so said because the applicant-wife will be facing a great difficulty in pursuing the litigation imposed on her by the respondent-husband, while going from Chandigarh to Gurdaspur. Distance between two places is one 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 Gurdaspur is ordered to be transferred to Chandigarh.

Accordingly, learned District Judge, Gurdaspur is directed to send the complete record of the divorce petition filed by the respondent-husband titled as Harjinder Singh Vs. Rajwinder Kaur, to the learned District Judge, Chandigarh 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. Learned District Judge, Chandigarh 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