

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

**TA No. 629 of 2015 (O&M)
Date of decision: 11.5.2016**

Kamaljit Kaur

.. Applicant

Vs.

Jaswant Singh

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Munish Gupta, Advocate
for the applicant.

Mr. Bhupinder Ghai, 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 petition under Section 9 of the Hindu Marriage Act, 1955, ('HM Act' for short), filed by the respondent-husband, from Rupnagar to Amloh, District Fatehgarh Sahib.

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed before this Court that there are three children out of this wedlock. Applicant-wife, alongwith her children, is staying with her parents at her ancestral village in District

Fatehgarh Sahib. Neither the applicant-wife is having any regular source of income, nor the respondent-husband is paying any maintenance amount either for the applicant-wife or for the children. Distance between Rupnagar and Amloh is more than 50 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 financial status of the wife, her source of income, her responsibility for bringing up the children, conduct of the respondent, 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 9 of the HM Act filed by the respondent husband titled as Jaswant Singh Vs. Kamaljit Kaur, is ordered to be transferred from Rupnagar to Amloh.

Accordingly, the learned District Judge, Rupnagar, is directed to send complete record of the abovesaid petition to the

learned District Judge, Fatehgarh Sahib, 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, Fatehgarh Sahib, is also directed to assign the case the learned court of competent jurisdiction at Amloh, 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**

11.5.2016
AK Sharma