

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 20.05.2016

1. TA No.631 of 2015

Shaveta Verma

... Applicant

Vs.

Amardeep Verma

... Respondent

2. TA No.632 of 2015

Shaveta Verma

... Applicant

Vs.

Amardeep Verma

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

Mr. M.K. Pundir, 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 these two identical transfer applications under Section 24 of the Code of Civil Procedure, seeks transfer of a petition under the provisions of Hindu Minority and Guardianship Act (for short 'HMG Act') and Guardian and Wards Act (for short 'GW Act') and

another petition filed under Section 9 of the Hindu Marriage Act, 1955 (for short 'HM Act') filed by the respondent-husband from Jagadhri to Patiala.

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

Heard learned counsel for the parties.

It has gone undisputed before this Court that there are three children out of this wedlock. Applicant-wife, along with one of her child, is living with her parents at Patiala. She is not having any regular source of income. Distance between Jagadhri and Patiala is about 100 kilometers.

In view of the abovesaid undisputed fact situation obtaining in these cases, this Court feels no hesitation to conclude that both the transfer applications deserve to be allowed. It is so said because responsibility of the wife for bringing up the child, her financial status, regular source of income 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 cases noted above, coupled with the reasons aforementioned, this Court is of the considered view that both these transfer applications deserve to be accepted and the same are hereby allowed. Petition under the provisions of HMG Act

and GW Act and petition under Section 9 of the HM Act, both petitions titled as Amardeep Verma Vs. Shaveta Verma, filed by the respondent-husband, are ordered to be transferred from Jagadhri to Patiala.

Accordingly, learned District Judge, Jagadhri is directed to send the complete record of both the abovesaid petitions, to the learned District Judge, Patiala 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, Patiala is also directed to assign the abovesaid petitions to the learned Court of competent jurisdiction for their early decision, in accordance with law.

With the abovesaid observations made and directions issued, both these transfer applications stand disposed of, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

20.05.2016
vishnu