

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

TA No.636 of 2015 (O&M)

Date of decision: 31.03.2016

Simran Kaur @ Nishu Sharma

... Applicant

Vs.

Surinder Pal Singh

... Respondent

**CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

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

Mr. T.P.S. Makkar, 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

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**RAMESHWAR SINGH MALIK, J. (ORAL)**

**CM No.6336-CII of 2016**

Applicant seeks permission to place on record additional documents in the form of Annexures P-2 and P-3 and also seeks exemption from filing certified copies thereof.

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

CM stands disposed of.

**TA No.636 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 Sri Muktsar Sahib to Ludhiana.

Notice of motion was issued and further proceedings before the learned trial Court were stayed.

Reply by way of affidavit dated 29.03.2016 filed by the respondent-husband in the Court today, is taken on record and copy thereof has been supplied to learned counsel for the applicant.

Heard learned counsel for the parties.

It has gone undisputed before this Court that there is one child out of this wedlock. The applicant-wife is living under the protective umbrella of her parents at Khanna, District Ludhiana. Respondent-husband is not paying any amount of maintenance to the applicant-wife. She is having no regular source of income. Distance between Sri Muktsar Sahib and Ludhiana is about 150 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 Sri Muktsar Sahib deserves to be transferred to Ludhiana. It is so said because financial status of the wife 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.

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 Sri Muktsar Sahib is ordered to be transferred to Ludhiana.

Accordingly, learned District Judge, Sri Muktsar Sahib is directed to send the complete record of the divorce petition filed by the respondent-husband titled as Surinder Pal Singh Vs. Simran Kaur, to the learned District Judge, Ludhiana 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, Ludhiana 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  
*vishnu*

**[ RAMESHWAR SINGH MALIK ]**  
**JUDGE**