

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

**TA No.64 of 2015 (O&M)
Date of decision: 18.05.2016**

Rajwinder Kaur

... Applicant

Vs.

Prabhjot Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Arnav Sood, Advocate
for the applicant.

Mr. Vineet Sharma, 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)

CM No.7245-CII of 2015

Applicant seeks permission to place on record the petition under Section 125 Cr.P.C. as Annexure A-1 and also seeks exemption from filing certified copy thereof.

Application is allowed, as prayed for. Annexure A-1 is permitted to be placed on record. Exemption sought is granted.

CM stands disposed of.

TA No.64 of 2015

Applicant-wife, by way of present transfer application under Section 24 of the Code of Civil Procedure, seeks transfer of a petition under

Section 9 of the Hindu Marriage Act, 1955 (for short 'HM Act') filed by the respondent-husband from Tarn Taran to Hoshiarpur.

Notice of motion was issued and pursuant thereto, reply dated 13.07.2015 on behalf of the respondent filed 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 the applicant-wife is living with her parents at Hoshiarpur. 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 Tarn Taran and Hoshiarpur is more than 100 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. Petition under Section 9 of the HM Act titled as Prabhjot Singh Vs. Rajwinder Kaur filed by the respondent-husband, is ordered to be transferred from Tarn Taran to Hoshiarpur.

Accordingly, learned District Judge, Tarn Taran is directed to send the complete record of the abovesaid petition, to the learned District Judge, Hoshiarpur 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, Hoshiarpur 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

18.05.2016
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