

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.641 of 2015

Date of decision: 29.03.2016

Veena

... Applicant

Vs.

Sagar Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

Ms. Sandeep Kaur, Advocate
for respondent No.1.

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 read with Section 151 of the Code of Civil Procedure, seeks transfer of a case bearing registration No.1233/2015 titled as Sagar Singh Vs. Veena and another filed by the respondent-husband, from Ludhiana to a learned Court of competent jurisdiction at Pathankot.

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

Heard learned counsel for the parties.

It has gone undisputed before this Court that there are two minor

children out of this wedlock. Other litigations including under Section 125 Cr.P.C. filed by the applicant-wife are pending before the learned Court of competent jurisdiction at Pathankot. Respondent-husband is not paying any amount of maintenance either for the applicant-wife or for the children. Applicant-wife along with her minor children is staying with her parents at Pathankot. She is not having any regular source of income. There is a distance of about 200 kilometers between Ludhiana and Pathankot.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that instant transfer application deserves to be allowed, so as to avoid any unwarranted harassment and difficulty to the applicant-wife in pursuing the litigation imposed on her by the respondent-husband. Financial status of the wife, her responsibility for bringing up the minor children and the distance between two places 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 earlier order dated 16.03.2016 passed by this Court in TA No.945 of 2015, 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, this Court is of the considered view that instant application deserves to be accepted and the same is hereby allowed. Case bearing registration No.1233/2015 titled as Sagar Singh Vs. Veena and another filed by the respondent-husband at Ludhiana is ordered to be transferred to Pathankot.

Accordingly, learned District Judge, Ludhiana is directed to send the complete record of the abovesaid case to the learned District Judge, Pathankot 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, Pathankot 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.

29.03.2016
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE