

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

TA No.647 of 2015

Date of decision: 08.04.2016

Jasmeet Kaur

... Applicant

Vs.

Kishore Kumar

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. M.K. Chaudhary, Advocate  
for the applicant.

Mr. Nakul 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

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

Applicant, by way of instant application under Section 24 of the Code of Civil Procedure, seeks transfer of a divorce petition under Section 13 of the Hindu Marriage Act, 1955 (for short 'HM Act') and application under Section 24 of the HM Act, filed by the respondent-husband from Jalandhar to SAS Nagar (Mohali).

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

Heard learned counsel for the parties.

It has gone undisputed before this Court that applicant-wife is living with her parents at Mohali. Distance between Jalandhar and Mohali is

about 150 kilometers.

In view of the abovesaid fact situation obtaining in the present case, this Court feels no hesitation to conclude that present transfer application deserves to be allowed. It is so said because convenience of the wife and 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 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 transfer application deserves to be accepted and the same is hereby allowed. Divorce petition under Section 13 of the HM Act titled as Kishore Kumar Vs. Jasmeet Kaur as well as application under Section 24 of the HM Act filed by the respondent-husband, are ordered to be transferred from Jalandhar to SAS Nagar (Mohali).

Accordingly, learned District Judge, Jalandhar is directed to send the complete record of the divorce petition under Section 13 of the HM Act titled as Kishore Kumar Vs. Jasmeet Kaur and application under Section 24 of the HM Act filed by the respondent-husband, to the learned District Judge, SAS Nagar (Mohali) 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, SAS Nagar (Mohali) 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.

Parties are directed to appear before the learned District Judge, SAS Nagar (Mohali) on 09.05.2016.

With the abovesaid observations made and directions issued, instant transfer application stands disposed of, however, with no order as to costs.

08.04.2016  
*vishnu*

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