

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**TA No.656 of 2015
Date of decision:12.5.2016**

Kamini

...Applicant

Versus

Sonu

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Aseem Kataria, Advocate for the applicant.

RAMESHWAR SINGH MALIK, J. (Oral)

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 Bathinda to the learned court of competent jurisdiction at Ferozepur.

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

Learned counsel for the respondent put in appearance on 11.12.2015 and on his request, the case was adjourned to 7.4.2016. Again, he sought and was granted time to get instructions and also to file reply, if any vide order dated 7.4.2016, adjourning the case for today. However, neither any reply has been filed nor anybody has come present on behalf of the respondent, to contest this transfer application.

Heard learned counsel for the applicant.

It has gone undisputed before this Court that applicant-wife is living with her parents at Fazilka, District Ferozepur. Neither the applicant-wife is having any regular source of income nor the respondent-husband is paying any amount of maintenance to her. Distance between Bathinda and Fazilka is more than 100 kilometers.

In view of the above-said undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that the instant 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 any amount of maintenance and distance between two places, besides her convenience, are some of the relevant considerations for deciding the transfer application, like the present one.

The abovesaid view taken by this Court also finds support from the order dated 16.3.2016 passed by this Court in **TA No.945 of 2015 (Sushma and others v. 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 the instant transfer application deserves to be accepted and the same is hereby allowed. Divorce petition, filed by the respondent-husband, is ordered to be transferred from Bathinda to the learned court of competent jurisdiction at Ferozepur.

Accordingly, learned District Judge, Bathinda, is directed to send the complete record of the divorce petition to the learned District Judge, Ferozepur, at an early date and in any case within a period of one month from the date of receipt of a certified copy of this order.

Learned District Judge, Ferozepur, is also directed either to decide the case himself or assign it to the learned court of competent jurisdiction at Fazilka for its early decision, in accordance with law.

With the above-said observations made and directions issued, the instant petition stands disposed of.

12.5.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE