

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

TA No.678 of 2015
Date of Decision : 24.5.2016

Anita Dogra

.....Applicant

Vs.

Gaurav Kumar

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. Rishu Mahajan, Advocate for the applicant.
Mr. Rahul Rampal, Advocate for the respondent.

...

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

RAMESHWAR SINGH MALIK, J

Applicant-wife, by way of instant application under Section 24 of the Code of Civil Procedure, ('CPC' for short), seeks transfer of a petition under Section 11 of the Hindu Marriage Act filed by the respondent husband from Ludhiana to Jalandhar.

Notice of motion was issued and in the meantime further proceedings before the learned trial court at Ludhiana were stayed.

Heard learned counsel for the parties.

It has gone undisputed before this court that there is a child out of this wedlock. The applicant-wife alongwith her minor child is staying with her parents at Jalandhar. 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 Ludhiana to Jalandhar is about 60 kms.

In view of the abovesaid undisputed fact situation obtaining in the present case, this court is of the considered opinion that the present transfer application deserves to be allowed. It is so said because responsibility of the wife for bringing up the children, her source of income, her financial status, conduct of the respondent in not paying the maintenance amount either for the wife or for the children 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 16.3.2016 passed by this court in TA No.945 of 2015 (Sushma and others Vs. Kapil @ Sahil Bansal), which, in turn, was based on the judgements 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. Petition under Section 11 of the Hindu Marriage Act titled as Gaurav Kumar Vs. Anita Dogra is ordered to be transferred from Ludhiana to Jalandhar.

Accordingly, learned District Judge, Ludhiana is directed to send the complete record of the abovesaid petition filed by the respondent-husband, to the learned District Judge, Jalandhar 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, Jalandhar 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.

24.5.2016
GS

(RAMESHWAR SINGH MALIK)
JUDGE