

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

**TA No. 708 of 2015
Date of decision: 15.3.2016**

Ridhima Chauhan

.. Applicant

Vs.

Rajeev Chauhan

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Damanbir Singh Sobti, Advocate
for the applicant.

Mr. Ajay Jain, Advocate
for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant-wife, by way of instant transfer application, seeks transfer of a petition under Section 9 of the Hindu Marriage Act, 1955, (' the HM Act' for short), filed by the respondent-husband at Jalandhar to Ludhiana.

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

Heard learned counsel for the parties.

It is undisputed between the parties that out of the wedlock, two children were born and both are residing with the applicant-wife. Petition filed by the respondent-husband seeking custody of the children is also pending at Ludhiana. In this view of the matter, it would be in the interest of justice to transfer the proceedings under Section 9 of the HM Act from Jalandhar to Ludhiana. It is so said because convenience of wife is one of

the relevant factors for deciding such kind of application. Applicant-wife has also filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005, and the proceedings arising therefrom are also going on at Ludhiana. Applicant-wife has not been paid any amount of maintenance by the respondent-husband so far. In such a situation, it would not only be inconvenient but very difficulty for the applicant-wife to go to Ludhiana from Jalandhar to pursue the litigation imposed on her by the respondent-husband.

Keeping in view the peculiar fact situation obtaining in the case, instant petition deserves to be accepted and the same is hereby allowed. The petition under Section 9 of the HM Act filed by the respondent-husband at Jalandhar is ordered to be transferred to Ludhiana..

Accordingly, the learned District Judge, Jalandhar, is directed to send complete record of the petition under Section 9 of the HM Act, filed by the respondent-husband, to the learned District Judge, Ludhiana, at an early date but in any case within a period of one month from the date of receipt of certified copy of this order. The learned District Judge, Ludhiana, is also directed either to decide the case himself or assign it to a court of competent jurisdiction, for an early decision, in accordance with law.

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

(RAMESHWAR SINGH MALIK)
JUDGE

15.3.2016
AK Sharma