

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

TA No.718 of 2015

Date of decision: 10.03.2016

Jatinderpal Kaur

... Petitioner

Vs.

Jagdeep Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Karan Chaudhary, Advocate
for the petitioner.

Mr. G.P.S. Pathania, Advocate
for the respondent.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner-wife, by way of instant petition under Section 24 read with Section 151 of the Code of Civil Procedure, seeks transfer of a petition under Section 13 of the Hindu Marriage Act ('the Act' for short) filed against her by the respondent-husband at Pathankot to the learned Court of competent jurisdiction at Gurdaspur.

Notice of motion was issued. Service is complete but no reply has been filed.

Heard learned counsel for the parties.

It is a matter of record that the petitioner-wife is living with her parents at Dinanagar in District Gurdaspur. She is not being paid any maintenance amount by the respondent-husband. Petitioner-wife has got no regular source of income. Other litigations at the instance of the petitioner-wife are pending before the learned Court of competent jurisdiction at Gurdaspur.

Keeping in view the abovesaid undisputed fact situation between the parties, this Court is of the considered opinion that it would be just and expedient to transfer the petition under Section 13 of the Act from Pathankot to Gurdaspur, so as to avoid any unwarranted difficulty to the petitioner-wife in pursuing the litigation. Further, since other litigations are pending between the parties at Gurdaspur, it would be in the interest of justice to transfer the petition under Section 13 of the Act from Pathankot to Gurdaspur.

No other argument was raised.

Keeping in view the totality of facts and circumstances of the case noticed hereinabove, instant petition is allowed. Learned District Judge, Pathankot is directed to send the complete record of the petition under Section 13 of the Act filed by the respondent-husband against the petitioner-wife to the learned District Judge, Gurdaspur 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. Learned District Judge, Jalandhar shall either decide the matter himself or assign the same to learned Court of competent jurisdiction for its decision, in accordance with law.

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

10.03.2016
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE