

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

TA No. 720 of 2015

Date of decision: 22.3.2016

Ritu Rani

.. Applicant

Vs.

Raj Kumar

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Suneel Ranga, Advocate
for the applicant.

None for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant-wife, by way of instant transfer application under Section 24 read with Section 151 of the Code of Civil Procedure, 1908, seeks transfer of a petition under Section 9 of the Hindu Marriage Act, 1955, ('HM Act' for short), filed by the respondent-husband, from Guruharsahai, District Ferozepur, to a court of competent jurisdiction at Sirsa.

Notice of motion was issued and the respondent was duly served for 20.11.2015. However, when nobody appeared on behalf of the respondent, another opportunity was granted to the respondent, adjourning the case for today. Similar is the position today. Neither anybody has come present on behalf of the respondent, nor any request for pass over has been made.

Heard learned counsel for the applicant.

It is undisputed between the parties that there is no child out of the wedlock. Applicant-wife is staying with her parents at Sirsa and she is having no regular source of income. Distance between Guruharsahai and Sirsa is more than 100 kilometers. Further, the respondent-husband is not paying any amount to the applicant-wife on account of maintenance.

In view of the abovesaid uncontroverted fact situation, this Court is of the considered opinion that instant application deserves to be accepted. It is so said because financial status of the wife, distance between two places and income of the wife, besides her convenience, are some of the relevant factors for deciding the transfer application like the present one. In this view of the matter, it is in the interest of justice to transfer the petition under Section 9 of the HM Act, filed by the respondent-husband, from Guruharsahai, District Ferozepur, to the court of competent jurisdiction at Sirsa, so as to avoid any unwarranted difficulty and harassment to the applicant-wife, in pursuing the abovesaid litigation imposed on her by the respondent-husband.

Accordingly, instant transfer application is allowed. The learned District Judge, Ferozepur, is directed to send complete record of the case bearing HMA No.1/2015 titled as Raj Kumar Vs. Ritu Rani, pending consideration before the learned court of competent jurisdiction at Guruharsahai, to the learned District Judge, Sirsa, 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, Sirsa is also directed either to decide the case himself or assign it to the 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

22.3.2016
AK Sharma