

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

**TA No.735 of 2015
Date of decision:31.3.2016**

Neha Verma

...Applicant

Versus

Gaurav Verma

...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.Suresh Ahlawat, Advocate for the applicant.
Mr.Sandeep Verma, Advocate for the respondent.

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 petition under Section 13 of the Hindu Marriage Act, 1955 ('the HM Act' for short) bearing HMA No.2740 of 2014, filed by the respondent-husband from Ambala to Sonapat.

Notice of motion was issued and further proceedings were stayed.

Service is complete but no reply has been filed.

Heard learned counsel for the parties.

It has gone undisputed before this Court that there is a one child out of this wedlock. Applicant wife along with her child is staying with her parents in Uttar Pradesh. Distance between the place of residence of the applicant and Ambala is more than 200 kilometers. This is the reason applicant sought transfer of the petition under Section 13 of the HM Act from Ambala to Sonapat. Distance between Sonapat and her residence would be about 80 kilometers.

In view of the above-said undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that the petition under Section 13 of the HM Act filed by the respondent-husband deserves to be transferred to Sonapat. It is so said because responsibility of the

applicant-wife for bringing up the child 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. Petition under Section 13 of the HM Act bearing case No. HMA 2740 of 2014, filed by the respondent-husband, is ordered to be transferred from Ambala to Sonapat.

Accordingly, learned District Judge, Ambala, is directed to send the complete record of the petition under Section 13 of the HM Act to the learned District Judge, Sonapat, 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, Sonapat, is also directed either decide the case himself or assign it to the learned court of competent jurisdiction for its early decision, in accordance with law.

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

31.3.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE