

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.744 of 2015

Date of decision: 10.05.2016

Deepti Sharma

... Applicant

Vs.

Deepak Sharma

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Amit Arora, Advocate
for the applicant.

Mr. D.K. Kaushal, Advocate
for the respondent.

1. Whether reporters of local papers may be allowed to see the judgment? YES/NO
2. To be referred to the reporters or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

RAMESHWAR SINGH MALIK, J. (ORAL)

Applicant-wife, by way of instant application under Section 24 read with Section 151 of the Code of Civil Procedure, seeks transfer of a divorce petition filed by the respondent-husband from Jalandhar to Tarn Taran.

Notice of motion was issued and in the meantime, further proceedings before the learned trial Court at Jalandhar were stayed.

Heard learned counsel for the parties.

It has gone undisputed before this Court that there is a child out of this wedlock. Applicant-wife, along with her minor child, is living with her parents at Tarn Taran. Other litigations are also pending at Tarn Taran. Distance between Jalandhar and Tarn Taran is about 70 kilometers.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that instant

transfer application deserves to be allowed. It is so said because responsibility of the wife for bringing up 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 16.03.2016 passed by this Court in TA No.945 of 2015 (Sushma and others Vs. Kapil @ Sahil Bansal), which, in turn, was based on the judgments of the Hon'ble Supreme Court, as well as different High Courts, including this Court.

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. Divorce petition titled as Deepak Sharma Vs. Deepti Sharma filed by the respondent-husband, is ordered to be transferred from Jalandhar to Tarn Taran.

Accordingly, learned District Judge, Jalandhar is directed to send the complete record of the abovesaid divorce petition, to the learned District Judge, Tarn Taran 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, Tarn Taran 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.

[RAMESHWAR SINGH MALIK]
JUDGE

10.05.2016
vishnu