

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

TA No.745 of 2015

Date of decision: 02.05.2016

Surjit Kaur

... Applicant

Vs.

Harnek Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Rakhi Sharma, Advocate
for the applicant.

None for the respondents.

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 Amritsar.

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

As per office report, service was complete for 15.03.2016. In fact, learned counsel for respondent No.1 had appeared as far back as on 10.12.2015 and on his request, case was adjourned to 27.02.2016. Learned counsel for respondent No.1 again sought time to file the reply on 27.02.2016 and on his request, case was adjourned to 15.03.2016. However, no reply has been filed by respondent No.1 on 15.03.2016. Granting another

opportunity to respondent No.1, case was adjourned for today. Nobody has come present on behalf of respondent No.1 to contest the instant transfer application.

Heard learned counsel for the applicant.

It has gone undisputed before this Court that the applicant-wife is living with her parents at Amritsar. She is not having any regular source of income. Respondent-husband is not paying any amount of maintenance to the applicant-wife. Distance between Jalandhar and Amritsar is about 85 kilometers.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that the present transfer application deserves to be allowed. It is so said because financial status of the wife, conduct of the parties 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 Harnek Singh Vs. Surjit Kaur filed by the respondent-husband, is ordered to be transferred

from Jalandhar to Amritsar.

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

02.05.2016
vishnu