

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

TA No. 760 of 2015

Date of decision: 22.3.2016

Manjit Kaur

.. Applicant

Vs.

Satgur Singh

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. M.S.Joshi, Advocate
for the applicant.

None for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant-wife, by way of instant transfer application under Section 24 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 Sunam District Sangrur to the learned court of competent jurisdiction at Patiala..

Notice of motion was issued and pursuant thereto, Mr. J.S. Moudgil, Advocate, appeared on behalf of the respondent. However, today, neither anybody has come present on behalf of the respondent, nor any request for pass over has been made. In

compliance of the order dated 27.11.2015 passed by this Court, respondent has also not come present in the Court. It seems that respondent is not interested in contesting the instant transfer application.

Heard learned counsel for the applicant.

It has gone undisputed that there is no child out of the wedlock. Applicant-wife is staying with her parents at Patiala and she is having no regular source of income. The respondent husband is not paying any amount of maintenance to the applicant-wife. Distance between Patiala and Sunam would be about 60 kilometers, as stated by learned counsel for the applicant.

In view of the abovesaid 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.

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 application deserves to be accepted and the same is hereby allowed. Petition under Section 9 of the HM Act filed by the respondent-husband at Sunam is ordered to be transferred to Patiala, 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, the learned District Judge, Sangrur, is directed

to send complete record of the petition under Section 9 filed by the respondent-husband at Sunam, to the learned District Judge, Patiala, 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, Patiala, 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