

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.762 of 2015 (O&M)

Date of decision: 30.03.2016

Isha

... Applicant

Vs.

Parshant Dhanda

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Manoj Chahal, Advocate
for the applicant.

Mr. Partap Singh, 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 of the Code of Civil Procedure, seeks transfer of a divorce petition bearing case No.HMA-316 of 2015 titled as Parshant Dhanda Vs. Isha filed by the respondent-husband from Jind to Karnal.

Notice of motion was issued.

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 child is staying with her parents at Karnal. She is not having regular source of income. Applicant-

wife is staying under the protective umbrella of her parents. Respondent-husband is not paying any amount for maintenance either to the applicant-wife or for the child. Distance between Karnal and Jind is about 80 kilometers.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that applicant-wife has made out a case for transfer of the divorce petition from Jind to Karnal. It is so said because financial status of the wife, her responsibility for bringing up the child and distance between two places 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.

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 instant application deserves to be accepted and the same is hereby allowed. Divorce petition bearing case No.HMA-316 of 2015 titled as Parshant Dhanda Vs. Isha filed by the respondent-husband at Jind is ordered to be transferred to Karnal.

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

Judge, Karnal 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, Karnal 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, present application stands disposed of.

30.03.2016

vishnu

[RAMESHWAR SINGH MALIK]
JUDGE