

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.769 of 2015

Date of decision: 11.04.2016

Pooja Rani

... Applicant

Vs.

Sandeep Kumar

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Maninder Singh, Advocate
for the applicant.

Respondent in person.

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, by way of instant application under Section 24 of the Code of Civil Procedure, seeks transfer of a petition under Section 9 of the Hindu Marriage Act, 1955 (for short 'HM Act') bearing case No.HMA 73 of 2015 titled as Sandeep Kumar Vs. Pooja Rani filed by the respondent-husband from Khanna to Yamunanagar.

Notice of motion was issued.

Heard learned counsel for the applicant and respondent in person.

It has gone undisputed before this Court that there is one child out of this wedlock. Applicant-wife along with her minor child is living with her parents at village Mustfabad in District Yamunanagar. Respondent-

husband is not paying any amount of maintenance either for the applicant-wife or for the child. Distance between the place of residence of the applicant-wife and Khanna, District Ludhiana is about 100 kilometers.

In view of the abovesaid fact situation obtaining in the present case, this Court is of the considered opinion that present 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 her convenience, 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 transfer application deserves to be accepted and the same is hereby allowed. Petition under Section 9 of the HM Act titled as Sandeep Kumar Vs. Pooja Rani filed by the respondent-husband at Khanna, is ordered to be transferred to Yamunanagar.

Accordingly, learned District Judge, Ludhiana is directed to send the complete record of the petition under Section 9 of the HM Act filed by the respondent-husband, to the learned District Judge, Yamunanagar 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, Yamunanagar 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

11.04.2016
vishnu