

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

TA-788-2015 (O&M)

Date of decision:27.5.2016

Smt.Shelly

...Applicant

Versus

Krishan Sharma

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Abhilaksh Grover, Advocate for the applicant.
Mr.Ankit Chowdhri, Advocate for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

CM-11456-CI-2015

Application is allowed, as prayed for. Documents are permitted to be placed on record.

CM stands disposed of.

Main case

Applicant-wife, by way of instant application under Section 24 of the Code of Civil Procedure, seeks transfer of two litigations initiated at the instance of the respondent-husband in the form of divorce petition and another petition under Guardian and Wards Act, 1890, filed by the respondent-husband, from Yamuna Nagar to Kurukshetra

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed before this Court that there is one child out of this wedlock. Applicant-wife along with her minor child is staying at Kurukshetra as she is working there. Distance between Kurukshetra and Yamuna Nagar is about 50 kilometers.

In view of the above-said undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that the instant transfer application deserves to be allowed. It is so said because responsibility of the applicant-wife for bringing up the child and distance between two places, besides her convenience, are some of the relevant considerations for deciding the transfer application, like the present one.

The abovesaid view taken by this Court also finds support from the order dated 16.3.2016 passed by this Court in **TA No.945 of 2015 (Sushma and others v. 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 the instant transfer application deserves to be accepted and the same is hereby allowed. Both the above-said petitions bearing HMA 2/14 dated 4.1.2014 and GW 4/14 dated 10.1.2014, filed by the respondent-husband, is ordered to be transferred from Yamuna Nagar to Kurukshetra.

Accordingly, learned District Judge, Yamuna Nagar at Jagadhri, is directed to send the complete record of the above-said petitions to the learned District Judge, Kurukshetra, at an early date and in any case within a period of one month from the date of receipt of a certified copy of this order.

Learned District Judge, Kurukshetra, is also directed to assign the above-said cases to the learned court of competent jurisdiction for their early decision, in accordance with law.

With the above-said observations made and directions issued, the instant transfer application stands disposed of.

27.5.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE