

TA No. 803 of 2015
TA No. 805 of 2015

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

**TA No. 803 of 2015
Date of decision: 15.3.2016**

Nirmal Kumari

.. Applicant

Vs.

Bijender Singh

... Respondent

2.

TA No. 805 of 2015

Hitesh Kumari

.. Applicant

Vs.

Lalit Kumar

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Kamal Singh, Advocate
for the applicants.

Ms. Shalini Atri, Advocate
for the respondents.

RAMESHWAR SINGH MALIK, J. (Oral)

By way of these two transfer applications under Section 24
of the Code of Civil Procedure, 1908, applicants are seeking transfer

of petitions under Section 9 of the Hindu Marriage Act, 1955, ('HM Act' for short), bearing case No. DMC 523/2015 (Lalit Kumar Vs. Hitesh Kumari) and case No. DMC 524/2015 (Bijender Singh Vs. Nirmal Kumari), pending at Hisar to a court of competent jurisdiction at Chandigarh.

Notice of motion was issued and proceedings before the learned court at Hisar were stayed.

Heard learned counsel for the parties.

Both the applicants are having minor children and are residing at Chandigarh. They expressed their difficulty in pursuing the litigation while going from Chandigarh to Hisar, which seems to be a genuine one. Distance between Chandigarh and Hissar is more than 225 kilometers.

After hearing learned counsel for the parties and careful perusal of record of the case, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the cases, both these transfer applications deserve to be accepted and the same are hereby allowed. It is so said because convenience of the wife, particularly in the matrimonial matters, is one of the relevant factors for deciding the transfer applications, like the present ones.

Accordingly, the learned District Judge, Hisar, is directed to send complete record of the abovesaid petitions bearing case No. DMC 523/2015 (Lalit Kumar Vs. Hitesh Kumari) and case No. DMC 524/2015 (Bijender Singh Vs. Nirmal Kumari), to the learned District Judge, Chandigarh, 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, Chandigarh, is also directed either to decide both these cases himself or assign the same to a court of competent jurisdiction, for an early decision, in accordance with law.

With the abovesaid observations made and directions issued, both these transfer applications stand disposed of, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

15.3.2016
AK Sharma