

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

**TA No. 804 of 2015 (O&M)
Date of decision: 6.5.2016**

Rubalpreet Kaur @ Poonam

.. Applicant

Vs.

Dharampal Singh @ Shammy

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Nemo.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant-wife, by way of instant transfer application under Section 24 read with Section 151 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 Amritsar to Yamuna Nagar.

Notice of motion was issued and interim stay was granted

As per office report dated 21.3.2016, service was complete. However, since nobody appeared on behalf of the respondent on the last date of hearing, another opportunity was granted to the respondent. Similar is the position today. Nobody has come present on behalf of either of the parties.

In view of the averments taken by the applicant in the instant transfer application which have gone unrebutted, it has gone undisputed before this Court that applicant-wife is living with her parents at Yamuna Nagar. Other litigations initiated at the instance of the applicant-wife are also pending at Yamuna Nagar. Neither the applicant-wife is having any regular source of income, nor the respondent-husband is paying any amount of maintenance to her. Distance between Amritsar and Yamuna Nagar is about 300 Kilometers.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court is of the considered opinion that instant transfer application deserves to be allowed. It is so said because financial status of the wife, her source of income, conduct of the respondent 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 earlier 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.

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 filed by the respondent husband titled

as Dharampal Singh @ Shammy Vs. Rubalpreet Kaur, is ordered to be transferred from Amritsar to Yamuna Nagar.

Accordingly, the learned District Judge, Amritsar is directed to send complete record of the abovesaid petition to the learned District Judge, Yamuna Nagar, 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, Yamuna Nagar, is also directed either to decide the case himself or assign it to the learned 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**

6.5.2016
AK Sharma