

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

TA No.829 of 2015

Date of decision: 13.05.2016

Kiran Devi

... Applicant

Vs.

Rajesh Kumar Bansal

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: None for the applicant.

Mr. Ashish Grover, 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, 1908, seeks transfer of a divorce petition filed by the respondent-husband from Bathinda to any other place except Mansa.

Notice of motion was issued. Nobody has come present on behalf of the applicant to press this application.

Reply filed on behalf of the respondent in the Court today, is taken on record.

Heard learned counsel for the respondent.

It has gone undisputed before this Court that there is a child out of this wedlock. Applicant-wife, along with her minor child, is staying with her parents. The applicant-wife has expressed her apprehension that since the respondent is a practising Advocate at Bathinda and he goes to Mansa as well, it would be appropriate to transfer the divorce petition filed by the

respondent-husband to any other adjoining districts like Barnala, Faridkot or Sri Muktsar Sahib.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that instant transfer application deserves to be allowed. It is so said it is the settled proposition of law that justice is not only be to be done but it also seems to have been done. The apprehension raised by the applicant has not been found wholly misplaced. The apprehension seems to be genuine.

Keeping in view the totality of facts and circumstances of the case noticed hereinabove, justice demands that the divorce petition filed by the respondent-husband be transferred from Bathinda to any other district except Mansa. In this view of the matter, proceeding on a holistic, pragmatic and constructive approach, with a view to do complete and substantial justice between the parties, this Court is of the considered view that it would be in the interest of justice to transfer the divorce petition filed by the respondent-husband from Bathinda to Barnala. Ordered accordingly.

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

13.05.2016
vishnu