

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

**TA No.859 of 2015
Date of decision:31.3.2016**

Manshi Chhetri @ Neeru Bala

...Applicant

Versus

Sushil Kumar

...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.N.K.Manchanda, Advocate for the applicant.
None for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant-wife, 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 ('the HM Act' for short) titled as 'Sushil Kumar Chhetri Vs. Manshi Chhetri @ Neeru Bala', filed by the respondent-husband from Amritsar to Ferozepur.

Notice of motion was issued and further proceedings before the learned trial Court were stayed.

As per office report, service is complete. However, nobody has come present on behalf of the respondent to contest the present application.

Heard learned counsel for the applicant.

It has gone undisputed before this Court that there are two children out of this wedlock. Applicant wife along with her minor children is staying with her parents at Ferozepur. Applicant-wife is having no source of regular income. Distance between Ferozepur and Amritsar is about 120 kilometers.

In view of the above-said undisputed fact situation obtaining in the instant case, this Court feels no hesitation to conclude that the petition under Section 9 of the HM Act filed by the respondent-husband deserves to be transferred to Ferozepur. It is so said because financial status of the applicant-wife, her responsibility for bringing up the children 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 present transfer application deserves to be accepted and the same is hereby allowed. Petition under Section 9 of the HM Act titled as 'Sushil Kumar Chhetri Vs. Manshi Chhetri @ Neeru Bala', filed by the respondent-husband, is ordered to be transferred from Amritsar to Ferozepur.

Accordingly, learned District Judge, Amritsar, is directed to send the complete record of the petition under Section 9 of the HM Act to the learned District Judge, Ferozepur, 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, Ferozepur, is also directed to either decide the case himself or assign it to the learned court of competent jurisdiction for its early decision, in accordance with law.

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

31.3.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE