

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

**TA No.861 of 2015
Date of decision:31.3.2016**

Harpreet Kaur

...Applicant

Versus

Damanjeet Singh

...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.Balram Singh, 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 divorce petition under Section 13 of the Hindu Marriage Act, 1955 ('the HM Act' for short) titled as 'Damanjeet Singh v. Harpreet Kaur', filed by the respondent-husband from Mohali to Jalandhar.

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 applicant wife is staying with her parents at Jalandhar. Neither the applicant-wife is having any source of regular income nor the respondent-husband is paying any maintenance amount to the applicant-wife. Distance between Mohali and Jalandhar is about 150 kilometers.

In view of the above-said undisputed fact situation obtaining in the instant case, this Court feels no hesitation to conclude that the divorce petition under Section 13 of the HM Act filed by the respondent-husband deserves to be transferred to Jalandhar. It is so said because financial status of the applicant-wife 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. Divorce petition under Section 13 of the HM Act titled as 'Damanjeet Singh vs. Harpreet Kaur', filed by the respondent-husband, is ordered to be transferred from Mohali to Jalandhar.

Accordingly, learned District Judge, Rupnagar, is directed to send the complete record of the divorce petition under Section 13 of the HM Act to the learned District Judge, Jalandhar, 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, Jalandhar, 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