

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.885 of 2015 (O&M)

Date of decision: 06.04.2016

Suman Devi

... Applicant

Vs.

Madan

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. J.S. Yadav, Advocate
for the applicant.

Mr. A.K. Chauhan, 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, seeks transfer of a divorce petition filed by the respondent-husband from Bhiwani to Rewari.

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed before this Court that there is a child out of this wedlock who is staying with the respondent-husband. Parties belong to poor families. Applicant-wife is staying with her parents in her ancestral

village in Tehsil and District Rewari. Respondent-husband is not paying any amount of maintenance to the applicant-wife. Distance between Bhiwani and Rewari is about 80 kilometers.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that present transfer application deserves to be allowed. It is so said because financial status of the wife and distance between two places, besides convenience of the wife, are some of the relevant considerations for deciding the transfer applications, like the present one.

The abovesaid view taken by this Court also finds support from the 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.

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 instant transfer application deserves to be accepted and the same is hereby allowed. Divorce petition filed by the respondent-husband is ordered to be transferred from Bhiwani to Rewari.

Accordingly, learned District Judge, Bhiwani is directed to send the complete record of the divorce petition filed by the respondent-husband to the learned District Judge, Rewari 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, Rewari 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

06.04.2016
vishnu