

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

TA No.886 of 2015
Date of Decision : 23.5.2016

Baby Singla

.....Applicant

Vs.

Deepak Kumar

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. Aayush Gupta, Advocate for the applicant.

...

1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Applicant-wife, by way of instant application under Section 24 of the Code of Civil Procedure, ('CPC' for short), seeks transfer of a petition under Section 9 of the Hindu Marriage Act filed by the respondent husband from Barnala to Ludhiana.

Notice of motion was issued and further proceedings before the learned trial court were stayed. As per office report dated 1.3.2016, respondent had been served through his father. However, since nobody appeared on his behalf, he was granted another opportunity, while adjourning the case for 31.3.2016. On that date, respondent was found to have been served through his brother, still nobody put in appearance on behalf of the respondent and one more opportunity was granted. However, nobody has come present on behalf of the respondent to contest the present transfer application.

Heard learned counsel for the applicant. It has gone undisputed that there is one child out of this wedlock. Applicant-wife alongwith her child is staying with her parents at Ludhiana. Distance between Barnala to Ludhiana is more than 80 kms.

In view of the abovesaid undisputed fact situation obtaining in the present case, this court is of the considered opinion that the present transfer application deserves to be allowed. It is so said because financial status of the wife, her source of income, conduct of the parties and distance between two places, besides the 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 16.3.2016 passed by this court in TA No.945 of 2015 (Sushma and others Vs. Kapil @ Sahil Bansal), which, in turn, was based on the judgements 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. Petition under Section 9 of the Hindu Marriage Act titled as Deepak Kumar Vs. Baby Singla is ordered to be transferred from Barnala to Ludhiana.

Accordingly, learned District Judge, Barnala, is directed to send the complete record of the abovesaid petition filed by the respondent-husband, to the learned District Judge, Ludhiana, 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, Ludhiana 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.

23.5.2016
GS

(RAMESHWAR SINGH MALIK)
JUDGE