

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

TA No.891 of 2015

Date of decision: 21.04.2016

Usha Rani

... Applicant

Vs.

Raj Kumar

... Respondent

**CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

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

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

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**RAMESHWAR SINGH MALIK, J. (ORAL)**

Applicant, by way of instant application under Section 24 read with Section 151 of the Code of Civil Procedure, seeks transfer of a petition under Section 9 of the Hindu Marriage Act, 1955 (for short 'HM Act') filed by the respondent-husband from Mukerian, District Hoshiarpur to Mansa.

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 instant transfer application.

Heard learned counsel for the applicant.

It has gone undisputed before this Court that applicant-wife along with her minor daughters, is living with her parents at her ancestral village in

Tehsil Budhlada, District Mansa. Although the applicant is working but the respondent is not paying any amount of maintenance to the minor children. Petition under Section 125 Cr.P.C. filed by the applicant-wife seeking maintenance is also pending at Mansa. Another criminal litigation between the parties is also pending at Mansa. Distance between Mukerian and Mansa is about 240 kilometers.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court is of the considered opinion that the instant transfer application deserves to be allowed. It is so said because responsibility of the wife for bringing up the children 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. Petition under Section 9 of the HM Act titled as Raj Kumar Vs. Usha Rani filed by the respondent-husband is ordered to be transferred from Mukerian, District Hoshiarpur to Mansa.

Accordingly, learned District Judge, Hoshiarpur is directed to send

the complete record of the petition under Section 9 of the HM Act titled as Raj Kumar Vs. Usha Rani, to the learned District Judge, Mansa 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, Mansa 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.

Parties are directed to appear before the learned District Judge, Mansa on 26.05.2016.

With the observations made above and directions issued, instant transfer application stands disposed of, however, with no order as to costs.

**[ RAMESHWAR SINGH MALIK ]**  
**JUDGE**

21.04.2016  
*vishnu*