

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

**TA No.918 of 2015
Date of decision:30.3.2016**

Joginder Kaur

...Applicant

Versus

Satnam 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: Ms.Indu Bala, Advocate for
MrAditya Jain, Advocate for the petitioner.
Mr.Varinder Chhibbar, Advocate 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) filed by the respondent-husband from Amloh, District Fatehgarh Sahib to a court of competent jurisdiction at Ambala.

Notice of motion was issued and interim order was passed.

Learned counsel for the respondent put in appearance on 25.1.2016 and on his request, case was adjourned. However, no reply has been filed so far.

Heard learned counsel for the parties.

It has gone undisputed before this Court that there are two children out of this wedlock. One child is staying with the applicant-wife and another is staying with the respondent-husband. Applicant wife along with her child is staying with her parents in village Panjokhala Sahib, Tehsil and District Ambala. Respondent-husband is not paying any maintenance either to the applicant-wife or for the child being maintained by her. Applicant-wife is not having any regular source of income. Distance between Ambala and Fatehgarh Sahib is about 60 kilometers.

In view of the above-said undisputed fact situation obtaining in

the present case, this Court feels no hesitation to conclude that it would be just and expedient to transfer the petition under Section 9 of the HM Act filed by the respondent-husband from Amloh, District Fatehgarh Sahib, to Ambala. It is so said because financial status of the wife-applicant, her responsibility for bringing up the child 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 instant transfer application deserves to be accepted and the same is hereby allowed. Petition under Section 9 of the HM Act filed by the respondent-husband is ordered to be transferred from Amloh to Ambala.

Accordingly, learned District Judge, Fatehgarh Sahib, is directed to send the complete record of the petition under Section 9 of the HM Act filed by the respondent-husband bearing HMA No.2/8.1.2015 titled as 'Satnam Singh Vs. Joginder Kaur' to the learned District Judge, Ambala, 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, Ambala, is also directed 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 petition stands disposed of.

30.3.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE