IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.932 of 2015
Date of decision: 25.04.2016

Satnam Kaur

... Applicant

Vs.

Jaswinder Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Gaurav Singla, Advocate for
Mr. Sanjiv Gupta, Advocate
for the applicant.

None 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

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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 Patiala to Fatehabad.

Notice of motion was issued and in the meantime, further proceedings before the learned trial Court were stayed.

As per office report, service is complete. Called twice, however, none has come present on behalf of the respondent-husband to contest the instant transfer application.

Heard learned counsel for the applicant.

It has gone undisputed before this Court that there are two

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children out of this wedlock and the applicant-wife along with her minor children, is living with her parents at her ancestral village in Tehsil Tohana, District Fatehabad. Neither the applicant-wife is having any regular source of income nor the respondent-husband is regularly paying any amount of maintenance either for the applicant-wife or for the children. Distance between the place of residence of the applicant-wife and Patiala is about 120 kilometers.

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 as well as her responsibility for bringing up the children 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 16.03.2016 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 titled as Jaswinder Singh Vs. Satnam Kaur filed by the respondent-husband, is ordered to be transferred

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from Patiala to Fatehabad.

Accordingly, learned District Judge, Patiala is directed to send the complete record of the divorce petition bearing No.DME/830/2015 titled as Jaswinder Singh Vs. Satnam Kaur filed by the respondent-husband, to the learned District Judge, Fatehabad 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, Fatehabad 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

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