

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

TA No.943 of 2015

Date of decision: 01.04.2016

Santosh Kumari

... Applicant

Vs.

Shiv Kailash Jaiswal

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: None.

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 read with Section 151 of the Code of Civil Procedure, 1908, seeks transfer of a divorce petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (for short 'HM Act') from Chandigarh to Ferozepur.

Notice of motion was issued. As per office report, service is complete, however, none has come present to contest the instant transfer application. Nobody is present on behalf of the applicant as well.

It has gone undisputed before this Court that the applicant-wife is staying under the protective umbrella of her parents at Ferozepur. She is not having any regular source of income. Distance between Chandigarh and

Ferozepur is more than 230 kilometers.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court is of the considered opinion that divorce petition filed by the respondent-husband at Chandigarh deserves to be transferred to Ferozepur. It is so said because financial status of the wife 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.

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 under Section 13 of the HM Act filed by the respondent-husband at Chandigarh is ordered to be transferred to Ferozepur.

Accordingly, learned District Judge, Chandigarh is directed to send the complete record of the abovesaid divorce petition under Section 13 of the HM Act filed by the respondent-husband, to the learned District Judge, Ferozepur 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, Ferozepur 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 allowed, however, with no order as to costs.

01.04.2016
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE