

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

**TA No.951 of 2015
Date of decision:26.4.2016**

Sarabjit Kaur

...Applicant

Versus

Surjit Singh Rai

...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: Mr.B.S.Bhalla, Advocate for the applicant.
Mr.Vipul Sharma, 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 divorce petition filed by the respondent-husband from SBS Nagar (Nawanshahr) to Moga.

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed before this Court that applicant is serving in District Courts at Moga. In this view of the matter it would not be appropriate to transfer the divorce petition filed by the respondent from SBS Nagar (Nawanshahr) to Moga. The nearby place to SBS Nagar where the divorce petition filed by the respondent-husband can be transferred, is Faridkot. Distance between Moga and SBS Nagar is more than 100 kilometers.

In view of the above-said undisputed fact situation obtaining in the present case, this Court is of the considered opinion that it would be in the fitness of things if the divorce petition filed by the respondent-husband is ordered to be transferred from SBS Nagar (Nawanshahr) to Faridkot instead of Moga.

Keeping in view the totality of facts and circumstances of the case noticed hereinabove, the interest of justice demands transfer of the divorce petition filed by the respondent-husband from SBS Nagar to Faridkot.

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. Divorce petition filed by the respondent-husband, is ordered to be transferred from SBS Nagar (Nawanshahr) to Faridkot.

Accordingly, learned District Judge, SBS Nagar (Nawanshahr) is directed to send the complete record of the divorce petition to the learned District Judge, Faridkot, 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, Faridkot, 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 above-said observations made and directions issued, the instant petition stands disposed of.

26.4.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE