

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

TA No. 954 of 2015

Date of decision: 30.3.2016

Jasbir Kaur @ Jassi

.. Applicant

Vs.

Gurjeet Singh @ Jeeta

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Ashok Bhardwaj, Advocate
for the applicant.

None for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant-wife, by way of instant transfer application under Section 24 of the Code of Civil Procedure, 1908, seeks transfer of a petition under Section 9 of the Hindu Marriage Act, 1955, ('HM Act' for short), filed by the respondent-husband, from Patiala to Sangrur.

Notice of motion was issued. Service had been effected on the respondent for 14.3.2016. However, when none appeared on behalf of the respondent on 14.3.2016, case was adjourned for today. Similar is the position today. Neither anybody has come present on behalf of the respondent, nor any request for pass over has been made.

Heard learned counsel for the applicant.

It has gone undisputed between the parties that there is a child out of the wedlock. Applicant-wife, alongwith her minor child, is staying with her parents at village Bahadarpur, District Sangrur. Applicant is not having any regular source of income. She is living under the protective umbrella of her old parents. The respondent-husband is not paying any amount of maintenance to the applicant-wife, despite the order passed by the learned court of competent jurisdiction. Distance between parental village of the applicant, where she is presently residing, and Patiala is about 70 kilometers.

In view of the abovesaid fact situation obtaining in the present case, this Court is of the considered opinion that it would be just and expedient to order transfer of the petition under Section 9 of the HM Act, filed by the respondent-husband from Patiala to Sangur. It is so said because financial status of the wife, her responsibility for bringing up the children 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 earlier 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 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 Samana, District Patiala, to Sangrur. Accordingly, the learned District Judge, Patiala, is directed to send complete record of the petition under Section 9 of the HM Act filed by the respondent-husband to the learned District Judge, Sangrur, at an early date but in any case within a period of one month from the date of receipt of certified copy of this order. The learned District Judge, Sangrur, is also directed either to decide the case himself or assign it to the court of competent jurisdiction, for an early decision, in accordance with law.

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

(RAMESHWAR SINGH MALIK)
JUDGE

30.3.2016
AK Sharma