

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.960 of 2015

Date of decision: 07.04.2016

Bhavika Mitra @ Meenu Arora

... Applicant

Vs.

Munish Mitra

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Abhimanyu Vinayak, Advocate for
Mr. Amit Dhawan, Advocate
for the applicant.

Mr. G.S. Jagpal, Advocate
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

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 Ludhiana to Jalandhar.

Notice of motion was issued and further proceedings were stayed.

Heard learned counsel for the parties.

It has gone undisputed before this Court that applicant-wife is living with her parents at Jalandhar. She is not having any regular source of income. Respondent-husband is not paying any amount of maintenance to

the applicant-wife. Distance between Ludhiana and Jalandhar is about 60 kilometers. It was the second marriage of both the parties. Respondent-husband was having one daughter from his earlier marriage and said minor daughter is living with the applicant-wife.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that instant transfer application deserves to be allowed. It is so said because financial status of the wife, her responsibility for bringing up the children and distance between two places, besides 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 filed by the respondent-husband at Ludhiana is ordered to be transferred to Jalandhar.

Accordingly, learned District Judge, Ludhiana is directed to send the complete record of the divorce petition filed by the respondent-husband, to the learned District Judge, Jalandhar 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, Jalandhar 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.

07.04.2016
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE