

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

TA-32-2014

Date of decision:15.3.2016

Manjit Kaur

...Petitioner

Versus

Ranbir Singh

...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.Arun Dogra, Advocate for the petitioner.
Mr.TPS Makkar, Advocate for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner-wife seeks transfer of petition under Section 13 of the Hindu Marriage Act, 1955 ('the HM Act' for short) filed by the respondent-husband at Patiala, to the learned court of competent jurisdiction at Ludhiana.

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

Heard learned counsel for the parties.

It has gone undisputed on record between the parties that there is a minor child out of the wedlock. Petitioner-wife along with her child is living with her widow mother at her parental home in District Ludhiana. Respondent-husband, who is stated to be serving in the Police Department, is not paying regularly the amount of maintenance, because of which his salary has been stated to have been attached. Petitioner-wife is not having any regular source of income.

In view of the above-said undisputed fact situation between the parties, this Court is of the considered opinion that it would not only be

inconvenient but also very difficult for the petitioner-wife to go from Ludhiana to Patiala for pursuing this litigation imposed on her by the respondent-husband under Section 13 of the HM Act.

Without commenting anything on merits, lest it should prejudice the rights of either of the parties, this Court is of the considered view that instant petition deserves to be accepted. It is so said, because convenience of the wife is one of the relevant considerations for deciding the transfer application like the present one.

Considering the totality of peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, the present petition deserves to be accepted and the same is allowed. The petition under Section 13 of the HM Act filed by the respondent-husband at Patiala, is directed to be transferred at Ludhiana.

Accordingly, learned District Judge, Patiala, is directed to send the complete record of the petition under Section 13 of the HM Act filed by the respondent-husband titled as 'Ranvir Singh Vs. Manjit Kaur' to the learned District Judge, Ludhiana, 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, Ludhiana, is directed to either 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.

15.3.2016

mks

MUKESH KUMAR SALUJA
2016.03.17 15:00
I attest to the accuracy and
authenticity of this document.

(RAMESHWAR SINGH MALIK)
JUDGE