

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

**TA No.396 of 2014
Date of decision:28.4.2016**

Kamlesh

...Applicant

Versus

Amardeep

...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.Sunil Kumar, Advocate for the applicant.
None 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 divorce petition, filed by the respondent-husband, from Chandigarh to Rewari.

Notice of motion was issued as far back as on 17.7.2014 and further proceedings before the learned trial Court were stayed. Thereafter, numerous orders have been passed and at most of the times, none appeared on behalf of either of the parties.

Called twice, however, none has put in appearance on behalf of the respondent.

Heard learned counsel for the applicant.

It has gone undisputed before this Court that there is a child out of this wedlock. Applicant-wife, alongwith her minor child, is living with her parents house in District Rewari. Distance between Rewari and Chandigarh is more than 300 kilometers.

In view of the above-said undisputed fact situation obtaining in the present case, this Court feels no hesitation to conclude that the instant transfer application deserves to be allowed. It is so said because responsibility of the wife for bringing up the child 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 order dated 16.3.2016 passed by this Court in **TA No.945 of 2015 (Sushma and others v. 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 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 Chandigarh to Rewari.

Accordingly, learned District Judge, Chandigarh is directed to send the complete record of the divorce petition to the learned District Judge, Rewari 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, Rewari, 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 present transfer application stands disposed of.

28.4.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE