

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

**Transfer Application No.296 of 2016
Date of Decision: January 11, 2017**

Sushila

...Applicant

Versus

Sukhdev

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Raddhe Shyam Sharma, Advocate,
for the applicant.

RAMESHWAR SINGH MALIK, J.(Oral)

Applicant-wife, by way of instant transfer application, seeks transfer of petition under Section 9 of the Hindu Marriage Act, titled as “*Sukhdev vs. Sushila*” filed by the respondent-husband from Jind to Fatehabad.

Notice of motion was issued and in the meantime, further proceedings before the learned Court at Jind were stayed, vide order dated 26.04.2016.

As per office report dated 06.08.2016, notice issued to the respondent has been received back duly served. Additionally, respondent has also been served by way of dasti process. However, nobody has come present on behalf of the respondent to oppose the instant transfer application.

Heard learned counsel for the applicant.

Learned counsel for the applicant submits that applicant-wife

is staying with her parents at village Nehal District Fatehabad and she is not having any regular source of income. In this view of the matter, learned counsel for the applicant submits that it would be very difficult for the applicant-wife to go to Jind from Fatehabad to pursue the litigation imposed on her by her husband-respondent. He prays for allowing the present transfer application.

Having heard learned counsel for the applicant and after going through the record, this Court is of the considered opinion that instant transfer application deserves to be accepted. It is so said because distance between Fatehabad and Jind is about 100 km. Applicant-wife is unemployed and having no source of income. She is at the mercy of her parents and living at her parental house. In such a situation, denying transfer of petition under Section 9 of the Hindu Marriage Act from Jind to Fatehabad would amount to denial of justice to the applicant-wife.

In view of what has been observed hereinabove, present transfer application is allowed.

Consequently, learned District Judge, Jind, is directed to send the complete record of the petition under Section 9 of the Hindu Marriage Act titled as “*Sukhdev vs. Sushila*” to the learned District Judge, Fatehabad 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.

After having received the record from learned District Judge, Jind, learned District Judge, Fatehabad, shall either decide the case himself or assign it to another Court of competent jurisdiction

Fatehabad, for its early decision, in accordance with law.

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

January 11, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>