

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

**Transfer Application No.353 of 2016
Date of Decision: January 16, 2017**

Sushma

...Applicant

Versus

Sonu Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.L.S.Lakhanpal, Advocate,
for the applicant.

Mr.Sunil K.Chaudhary, Advocate,
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, seeks transfer of petition under Section 13 (I) (i-a) (i-b) of the Hindu Marriage Act, 1955, titled as “*Sonu Kumar vs. Smt.Sushma*” filed by the respondent-husband from Chandigarh to Panipat.

Notice of motion was issued.

Heard learned counsel for the parties.

It is a matter of record that the applicant-wife along with her two minor children is living with her parents in her parental village in District Panipat. Since she is not having any regular source of income, she is dependent on her parents. Respondent-husband is not paying any amount of maintenance either to the applicant or to the children.

Distance between Panipat and Chandigarh is about 150 kms.

In view of the above-said undisputed fact situation obtaining in the present case, this Court is of the considered opinion that the divorce petition filed by the respondent-husband deserves to be transferred from Chandigarh to Panipat. It is so said because denial of transfer of divorce petition from Chandigarh to Panipat would amount to denial of justice to the applicant-wife.

Keeping in view the totality of the facts and circumstances of the case, noticed hereinabove, it is just and expedient to order to transfer of divorce petition filed by the respondent-husband from Chandigarh to Panipat, so as to ensure the ends of justice.

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.

Consequently, learned District Judge, Chandigarh, is directed to send the complete record of the petition under Section 13 (I) (i-a) (i-b) of the Hindu Marriage Act, 1955 *titled as “Sonu Kumar vs. Smt.Sushma”* to the learned District Judge, Panipat, 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, Panipat, shall either decide the case himself or assign it to another Court of competent jurisdiction

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 16, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

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