

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

Transfer Application No.366 of 2016

Date of Decision: January 19, 2017

Manpreet Kaur

...Applicant

Versus

Didar Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Atul Goyal, Advocate,
for the applicant.

Mr.Vaibhav Narang, Advocate,
for the respondent.

RAMESHWAR SINGH MALIK, J.(Oral)

Applicant-wife, by way of instant transfer application under Section 24 read with Section 151 of the Code of Civil Procedure, seeks transfer of petition under Section 13 of the Hindu Marriage Act, titled as ***“Didar Singh vs. Smt.Manpreet Kaur”*** filed by the respondent-husband, from Amritsar to Hoshiarpur.

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed before this Court that the applicant-wife along with her minor child is living at her parental house in District Hoshiarpur. Despite there being a favourable order passed by the Court of competent jurisdiction, respondent-husband is not paying any amount of maintenance either to the wife or to the child. Distance between

Amritsar and Hoshiarpur is more than 100 km. Since the applicant is not having any source of income, she is dependent on her parents.

Under these circumstances, interest of justice demands transfer of petition under Section 13 of the Hindu Marriage Act filed by the respondent-husband from Amritsar to Hoshiarpur, so as to secure ends of justice. Financial status of the wife, her source of income, responsibility for bringing up the children and distance between two places are some of the relevant considerations for transferring the matrimonial proceedings at the instance of the applicant-wife, as in the present case.

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, Amritsar, is directed to send the complete record of the petition under Section 13 of the Hindu Marriage Act titled as ***“Didar Singh vs. Smt.Manpreet Kaur”*** to the learned District Judge, Hoshiarpur, 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, Hoshiarpur, shall either decide the case himself or assign it to another Court of competent jurisdiction at Hoshiarpur, for its early decision, in accordance with law.

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

January 19, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

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