

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

**TA No. 438 of 2016
Date of decision: 12.1.2017**

Shweta Jain

.. Applicant

Vs.

Amit Gupta

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Sunil Panwar, Advocate
for the applicant.

Mr. Govind Chauhan, 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, 1908, seeks transfer of a petition under Section 13 of the Hindu Marriage Act, 1955, ('HM Act' for short), filed by the respondent-husband, from Rohtak to Hisar.

Notice of motion was issued and further proceedings before the learned trial court at Rohtak were stayed. Respondent has filed written statement.

Heard learned counsel for the parties.

It has gone undisputed before this Court that applicant-wife is living with her parents at Hansi in District Hisar. Applicant-wife is also serving at Hansi. Respondent-husband is not paying any amount of maintenance to the applicant-wife. Distance between Rohtak and Hisar is about 100 kms. Under the abovesaid undisputed facts and circumstances of

TA No. 438 of 2016

2

the case, denial of transfer of the petition filed by the respondent-husband from Rohtak to Hisar would amount to denial of justice to the applicant-wife.

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 and the same is hereby allowed. The petition under Section 13 of the HM Act filed by the respondent-husband at Rohtak is ordered to be transferred to Hisar.

Accordingly, the learned District Judge, Rohtak, is directed to send complete record of the case bearing DMC No. 678/2015 titled as Amit Gupta Vs. Shweta Jain, to the learned District Judge, Hisar, at an early date and in any case within a period of one month from the date of receipt of certified copy of this order.

The learned District Judge, Hisar, is also directed either to decide the case himself or assign it to learned court of competent jurisdiction, for an early decision, in accordance with law.

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

12.1.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No