

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

**Transfer Application No.511 of 2016
Date of Decision: January 18, 2017**

Preet Pal Kaur

...Applicant

Versus

Gurmeet Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.A.K.Walia, Advocate, for the applicant.
Mr.J.P.S.Brar, 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 petition under Section 9 of the Hindu Marriage Act, titled as “***Gurmeet Singh vs. Preet Pal Kaur***” filed by the respondent-husband, from Rajpura, District Patiala to Bathinda.

Notice of motion was issued and learned trial Court was directed to adjourn the case beyond the next date fixed before this Court.

Heard learned counsel for the parties.

It is a matter of record that the applicant-wife along with her minor daughter is living at Bathinda. Respondent-husband is not paying any amount of maintenance either to the wife or to the child. She is serving at Bathinda itself and distance between Bathinda and Rajpura is about 200 km. Under these undisputed facts and circumstances of the case, it would be very difficult for the applicant-wife to come to Rajpura

from Bathinda, to pursue the litigation imposed on her by her husband-respondent. Thus, it is just and expedient to transfer proceedings under Section 9 of the Hindu Marriage Act from Rajpura, District Patiala to Bathinda, to secure the ends of justice, particularly when no difficulty has been pointed out by the learned counsel for the respondent which would be faced by him in going from Rajpura to Bathinda, to pursue his petition under Section 9 of the Hindu Marriage Act. In fact, interest of justice demands the transfer of petition filed under Section 9 of the Hindu Marriage Act filed by the respondent-husband from Rajpura to Bathinda.

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, Patiala, is directed to send the complete record of the petition under Section 9 of the Hindu Marriage Act, titled as ***“Gurmeet Singh vs. Preet Pal Kaur”*** to the learned District Judge, Bathinda, 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, Bathinda shall either decide the case himself or assign it to another Court of competent jurisdiction at Bathinda, for its early decision, in accordance with law.

With the abovesaid observations made and directions issued,

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instant transfer application stands allowed however, with no order as to costs.

January 18, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No