

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.525 of 2016

Date of decision: 18.01.2017

Madhubala

... Applicant

Vs.

Samual

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Alisha Soni, Advocate
for the applicant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Applicant-wife, by way of instant application under Section 24 of the Code of Civil Procedure, seeks transfer of a divorce petition under Section 32 of the Divorce Act, 1869 titled as Samual Vs. Madhubala (Annexure P-3) filed by the respondent-husband from Jalandhar to Ludhiana.

Notice of motion was issued.

As per office report dated 16.01.2017, notice issued to the respondent has been received back with the report that he has refused to accept the notice and it was affixed, which will amount to due service. However, despite having been waited for sufficient time, nobody has put appearance on behalf of the respondent.

Heard learned counsel for the applicant.

It has gone undisputed before this Court that the applicant-wife is living with her parents at Ludhiana. Since she is not working, she is dependent on her parents. Respondent-husband is not paying any amount of maintenance to the applicant-wife. Distance between Ludhiana and Jalandhar is about 70 kilometers.

Under these undisputed facts and circumstances of the case, this Court is of the considered opinion that the applicant-wife shall face great

hardship in pursuing the petition under Section 32 of the Divorce Act, 1869 filed by the respondent-husband, while going from Ludhiana to Jalandhar. Thus, interest of justice demands the transfer of abovesaid petition from Jalandhar to Ludhiana, so as to secure 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 and the same is hereby allowed. Divorce petition under Section 32 of the Divorce Act, 1869 titled as Samual Vs. Madhubala filed by the respondent-husband, is ordered to be transferred from Jalandhar to Ludhiana.

Accordingly, learned District Judge, Jalandhar is directed to send the complete record of the abovesaid divorce petition, to the learned District Judge, Ludhiana 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.

Learned District Judge, Ludhiana is also directed either to decide the case himself or assign it to the learned Court of competent jurisdiction for its early decision, in accordance with law.

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

[RAMESHWAR SINGH MALIK]
JUDGE

18.01.2017
vishnu

Whether speaking/reasoned Yes/No

Whether reportable Yes/No