

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

**Transfer Application No.548 of 2016
Date of Decision: January 17, 2017**

Shakuntla

...Applicant

Versus

Jitender Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Chanderhas Yadav, Advocate,
for the applicant.

Mr.Jitender Nara, 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 (I) (ia) of the Hindu Marriage Act, 1955, titled as “*Jitender Kumar vs. Shakuntla*” filed by the respondent-husband, from Jhajjar to Rewari.

Notice of motion was issued.

Heard learned counsel for the parties.

It is a matter of record that the applicant-wife along with her minor child is living with her parents at her parental village in District Rewari. Applicant-wife is not having any regular source of income. The respondent husband is not paying any amount of maintenance either to the applicant-wife or to the child. Since the applicant-wife is not

working, she is dependent on her parents. Distance between Jhajjar and Rewari is 48 km.

Under these circumstances, it would be difficult for the applicant to go to Jhajjar to pursue the litigation imposed on her by her husband-respondent. Interest of justice demands transfer of divorce petition filed by the respondent-husband from Jhajjar to Rewari. It is so said because denial of transfer of the divorce petition from Jhajjar to Rewari would amount to denial of justice to the applicant-wife because she would be facing great hardship in pursuing the litigation by going from Rewari to Jhajjar.

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.

Accordingly, the learned District Judge, Jhajjar is directed to send complete record of the abovesaid petition to the learned District Judge, Rewari, at an early date but in any case within a period of one month from the date of receipt of certified copy of this order.

The learned District Judge, Rewari, is also directed either to decide the case himself or assign it to the 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.

Should there be any confusion in this regard, learned Court of competent jurisdiction at Rewari shall start the proceedings from that very stage at which it was going on before learned Court at Jhajjar.

January 17, 2017
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(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No