

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

**Transfer Application No.565 of 2016
Date of Decision: January 18, 2017**

Nirmal Kaur @ Rita

...Applicant

Versus

Walaiti Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Rakesh Bakshi, Advocate,
for the applicant.

Mr.Kamal Singh, 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 ***“Walaiti Singh vs. Nirmal Kaur @ Rita”*** filed by the respondent-husband, from Ludhiana to Yamuna Nagar.

Notice of motion was issued and further proceedings before learned trial Court at Ludhiana were stayed.

Heard learned counsel for the parties.

It is a matter of record that the applicant-wife along with her minor children is living at her parental house at Yamuna Nagar. Respondent-husband is not paying any amount of maintenance either to

the wife or to the children. Distance between Ludhiana and Yamuna Nagar is more than 150 km. Since the applicant is not having any source of income, she is dependent on her parents.

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 consideration for transferring the matrimonial proceedings at the instance of the applicant-wife, as in the present case. In fact, interest of justice demands the transfer of divorce petition filed by the respondent-husband from Ludhiana to Yamuna Nagar.

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, Ludhiana is directed to send the complete record of the petition under Section 13 of the Hindu Marriage Act titled as ***“Walaiti Singh vs. Nirmal Kaur @ Rita”*** to the learned District Judge, Yamuna Nagar, 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, Yamuna Nagar, shall either decide the case himself or assign it to another Court of competent jurisdiction at

Yamuna Nagar, 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 18, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No