

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

**Transfer Application No.611 of 2016
Date of Decision: January 16, 2017**

Ranjit Kaur

...Applicant

Versus

Kulwinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Vinod Bhardwaj, Advocate,
for the applicant.

Mr.Pawan Attri, 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 CPC, seeks transfer of petition under Section 13 of the Hindu Marriage Act, titled as “*Kulwinder Singh vs. Ranjit Kaur*” filed by the respondent-husband ,from Bhiwani to Kaithal.

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 children is living at her parental house in District Kaithal. Respondent-husband is not paying any amount of maintenance either to the wife or to the child. Distance between Kaithal and Bhiwani is more than 100 km. Since the applicant is not having any source of income, she

is dependent on her parents.

Keeping in view said undisputed facts, this Court feels no hesitation to conclude that transfer application deserves to be accepted, so as to secure the ends of justice. 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 Bhiwani to Kaithal.

No other arguments 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, Bhiwani, is directed to send the complete record of the petition under Section 13 of the Hindu Marriage Act titled as ***“Kulwinder Singh vs. Ranjit Kaur”*** to the learned District Judge, Kaithal, 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, Kaithal, shall either decide the case himself or assign it to another Court of competent jurisdiction at Kaithal,

for its early decision, in accordance with law.

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

January 16, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>