

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

Transfer Application No.762 of 2016

Date of Decision: January 19, 2017

Rajdeep Kaur

...Applicant

Versus

Lakhvir Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.J.B.S.Gill, Advocate,
for the applicant.

Mr.Amandeep Singh Sandhu, 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, seeks transfer of petition under Section 9 of the Hindu Marriage Act, titled as ***“Lakhvir Singh vs. Rajdeep Kaur”*** filed by the respondent-husband from Phagwara, District Kapurthala to Hoshiarpur.

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

Heard learned counsel for the parties.

It has gone undisputed before this Court that applicant-wife is staying with her parents at her parental village in District Hoshiarpur. Since she is not working, she is dependent on her parents. The respondent-husband is not paying any amount of maintenance to the applicant-wife. Distance between Phagwara, District Kapurthala and

Hoshiarpur is about 50 km. In this view of the matter, it would be very difficult for the applicant-wife to go to Phagwara, District Kapurthala from Hoshiarpur, to pursue the litigation imposed on her by her husband-respondent.

Having heard learned counsel for the parties and after going through the record, this Court is of the considered opinion that instant transfer application deserves to be accepted. Interest of justice demands transfer of petition under Section 9 of the Hindu Marriage Act from Phagwara, District Kapurthala to Hoshiarpur, so as to secure ends of justice.

In view of what has been observed hereinabove, present transfer application is allowed.

Consequently, learned District Judge, Kapurthala, is directed to send the complete record of the petition under Section 9 of the Hindu Marriage Act, titled as “***Lakhvir Singh vs. Rajdeep Kaur***” to the learned District Judge, Hoshiarpur, 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, Hoshiarpur, shall either decide the case himself or assign it to another Court of competent jurisdiction Hoshiarpur, 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.

However before parting with the order, it is left open to both the parties to keep on making sincere efforts for resolving the issue amicably and the learned Court at Hoshiarpur, shall also make an endeavour in this regard to facilitate the parties to arrive at amicable settlement.

January 19, 2017

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(RAMESHWAR SINGH MALIK)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No