

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

**Transfer Application No.797 of 2016
Date of Decision: January 11, 2017**

Naresh Rani

...Applicant

Versus

Sumit Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Harjeet Saura, Advocate,
for the applicant.

Mr.J.S.Lalli, Advocate,
for the respondent.

RAMESHWAR SINGH MALIK, J.(Oral)

Applicant-wife, by way of instant transfer application, seeks transfer of petition under Section 9 of the Hindu Marriage Act, titled as ***“Sumit Singh Birdi vs. Naresh Rani”*** filed by the respondent-husband from Ludhiana to Hoshiarpur.

Notice of motion was issued directing the learned matrimonial Court at Ludhiana to adjourn the case beyond the date fixed before this Court.

Learned counsel for the respondent appeared and filed reply dated 11.01.2017 in the Court today and the same has been taken on record. Copy thereof has also been supplied to learned counsel for the applicant.

Heard learned counsel for the parties.

It has gone undisputed before this Court that the applicant along with minor child is living with her parents at Hoshiarpur. Respondent-husband is not paying any amount of maintenance either to the wife or to the child. Distance between Hoshiarpur and Ludhiana is about 75 km. Applicant-wife is serving at Hoshiarpur.

Keeping in view above-said undisputed facts, this Court feels no hesitation to conclude that it would be very difficult for the applicant-wife to go from Hoshiarpur to Ludhiana to pursue the litigation imposed on her by her husband-respondent. Under these circumstances, denial of transfer of the petition filed under Section 9 of the Hindu Marriage Act from Ludhiana to Hoshiarpur would amount to denial of justice to the applicant/wife because it would cause undue hardship to her for none of her fault.

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, Ludhiana, is directed to send the complete record of the petition under Section 9 of the Hindu Marriage Act titled as “***Sumit Singh Birdi vs. Naresh Rani***” 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.

After having received the record from learned District Judge, Ludhiana, learned District Judge, Hoshiarpur, shall either decide the case himself or assign it to another Court of competent jurisdiction at 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.

January 11, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

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