

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

Transfer Application No.883 of 2016

Date of Decision: January 16, 2017

Meena Devi

...Applicant

Versus

Bharat Bhushan

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.J.S.Dadwal, Advocate,
for the petitioner.

Mr.R.S.Budhwar, Advocate,
for the respondent.

RAMESHWAR SINGH MALIK, J.(Oral)

Applicant-wife, by way of instant transfer application, seeks transfer of petition under Section 13 (1) (ib) of the Hindu Marriage Act, titled as “*Bharat Bhushan vs. Meena Devi*” filed by the respondent-husband from Rupnagar to Jalandhar.

Notice of motion was issued and learned 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 no child out of this wedlock was born and the applicant-wife is living with her parents in District Jalandhar. Since the applicant is not working, she is dependent on her parents. Respondent-husband is not paying any amount of maintenance to the applicant-wife despite the fact that there was a

favourable order passed by the learned Court of competent jurisdiction.

Distance between Rupnagar to Jalandhar is more than 100 km.

Keeping in view said undisputed facts, this Court feels no hesitation to conclude that present transfer application deserves to be accepted, so as to secure the ends of justice. Source of income of the applicant-wife, non-payment of any maintenance by the respondent-husband and distance between two places are some of the relevant consideration for disposal of transfer application like the present one. Under these circumstances, denial of transfer of the petition filed by the respondent-husband would amounts to denial of justice to the applicant/wife. Thus, it is just and expedient to transfer the divorce proceedings initiated by the respondent-husband from Rupnagar to Jalandhar.

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, Rupnagar, is directed to send the complete record of the petition under Section 13 (1) (ib) of the Hindu Marriage Act, 1955, titled as ***“Bharat Bhushan vs. Meena Devi”*** to the learned District Judge, Jalandhar, 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, Jalandhar, shall either decide the case himself or assign it to another Court of competent jurisdiction at Jalandhar, for its early decision, in accordance with law.

Resultantly, with the above-said observations made and directions issued, instant transfer application stands allowed however, with no order as to costs.

January 16, 2016
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(RAMESHWAR SINGH MALIK)
JUDGE

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