

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

TA No. 894 of 2016
Date of decision: 16.1.2017

Gurpreet Kaur

... Applicant

Vs.

Palwinder Singh

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Rajan Bansal, Advocate for
Mr. Ashish Gupta, Advocate
for the applicant.

None 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, 1908, seeks transfer of a petition under Section 9 of the Hindu Marriage Act, 1955, ('HM Act' for short), filed by the respondent-husband, from Gurugram to Moga.

Notice of motion was issued.

As per service report dated 11.1.2017, notice issued to the respondent has been received back duly served, thus, service is complete. However, even after passing over the case twice, nobody has come present on behalf of respondent to oppose the instant transfer application.

Heard learned counsel for the petitioner.

It has gone undisputed before this Court that applicant-wife, alongwith her minor child, is living with her parents at Moga. Since applicant is not working, she is dependent on her parents. Respondent-husband is not paying any amount of maintenance either for the applicant-wife or for the minor child. Distance between Gurugram and Moga is about 400 kms. Under the

TA No. 894 of 2016

abovesaid undisputed facts and circumstances of the case, denial of transfer of the petition filed by the respondent-husband from Gurugram to Moga would amount to denial of justice to the applicant-wife.

In view of the abovesaid peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that applicant-wife would be facing great hardship, while going to Gurugram from Moga, to pursue the litigation imposed on her by the respondent-husband. Thus, instant transfer application deserves to be accepted and the same is hereby allowed. The petition under Section 9 of the HM Act filed by the respondent-husband at Gurugram is ordered to be transferred to Moga.

Accordingly, the learned District Judge, Gurugram, is directed to send complete record of the case titled as Palwinder Singh Vs. Gurpreet Kaur, filed by the respondent-husband under Section 9 of the HM Act, to the learned District Judge, Moga, at an early date and in any case within a period of one month from the date of receipt of certified copy of this order.

The learned District Judge, Moga is also directed either to decide the case himself or assign it to learned court of competent jurisdiction, for an early decision, in accordance with law.

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

16.1.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No