

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

Amit Kumar
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**TA No. 921 of 2016
Date of decision: 12.1.2017**

Shalu Sharma

.... Applicant

Vs.

Amit Sharma

.... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. K.S.Malik, Advocate
for the applicant.

Ms. Alish Soni, 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, 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 Karnal to Rohtak.

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed before this Court that applicant-wife is living with her parents at Rohtak. She is not having any source of income. Respondent-husband is not paying any amount of maintenance to the applicant-wife. Distance between Karnal and Rohtak is about 100 kms. In such a situation, it would be very difficult for the applicant-wife to come to Karnal from Rohtak to pursue the litigation imposed on her by the respondent-husband.

In view of the abovesaid undisputed fact situation obtaining on record, it is just and expedient to transfer the petition under Section 9 of the HM

Act from Karnal to Rohtak. It is so said, because asking the applicant-wife to pursue the litigation, while coming from Rohtak to Karnal, would amount to denial of justice to her. It is also pertinent to note here that respondent-husband would not be facing any difficulty in going to Rohtak from Karnal for pursuing the litigation initiated by him.

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 and the same is hereby allowed. The petition under Section 9 of the HM Act filed by the respondent-husband at Karnal is ordered to be transferred to Rohtak.

Accordingly, learned District Judge, Karnal is directed to send complete record of the case filed under Section 9 of the HM Act by the respondent husband, titled as Amit Sharma Vs. Shalu Sharma, to the learned District Judge, Rohtak, 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, Rohtak, 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.

12.1.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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