

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

**TA No. 943 of 2016
Date of decision: 13.1.2017**

Anu Sharma

... Applicant

Vs.

Munish Kumar

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Inderjit Sharma, Advocate
for the applicant.

None for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant-wife, by way of instant transfer application under Section 24 read with Section 151 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 Patti, District Tarn Taran to Gurdaspur.

Notice of motion was issued.

As per office report dated 11.1.2017, service is complete. Case was passed over for the after lunch session. However, nobody has come present to oppose the instant transfer application on behalf of the respondent-husband, even when the case was taken up for the second time.

Heard learned counsel for the applicant.

It has gone undisputed before this Court that applicant-wife is living with her parents at Gurdaspur and she is not having any regular source of income. Learned counsel for the applicant further submits that respondent-husband is not paying any amount of maintenance to the

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applicant-wife. Distance between Patti and Gurdaspur is about 100 kms. In this view of the matter, it can be safely concluded that denial of transfer of the petition filed by the respondent-husband from Patti to Gurdaspur would amount to denial of justice to the applicant-wife.

In view of the abovesaid peculiar facts and circumstances of the case, 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 Patti is ordered to be transferred to Gurdaspur.

Accordingly, the learned District Judge, Tarn Taran, is directed to send complete record of the petition under Section 9 filed by the respondent-husband, titled as Munish Kumar Vs. Anu Sharma, to the learned District Judge, Gurdaspur, 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, Gurdaspur, 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.

13.1.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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