

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 8380 OF 2016
(ARISING OUT OF SLP(C) NO.15945/2015)

AMANDEEP GOYAL

APPELLANT(S)

VERSUS

YOGESH RANI

RESPONDENT(S)

J U D G M E N T

ANIL R. DAVE, J.

1. Heard the learned counsel for the parties.
2. Leave granted.
3. The appellant-husband has filed the present appeal by way of special leave against the order dated 6.4.2015 passed in T.A. No.496 of 2013 by the High Court of Punjab and Haryana at Chandigarh, in and by which the High Court transferred the Divorce Petition from Sangrur to Bathinda.
4. Looking at the peculiar facts of the case, more particularly when the husband is taking care of the child who is nine years old and is suffering from malignant disease, in our opinion, the High Court should have used its discretion in favour of the petitioner-husband. We, therefore, set aside the impugned order.
5. The case bearing Regn. No. DMC/314/2015 (Filing No.1256/2015) titled Amandeep Goyal v. Yogesh Rani be transferred from the Court of Additional District Judge, Bathinda, Punjab to the Court of District & Sessions Judge, Sangrur, who may hear the case himself/herself or assign the same to any other court of competent jurisdiction.

6. The appeal is disposed of as allowed with no order as to costs.

.....J.
[ANIL R. DAVE]

.....J.
[L. NAGESWARA RAO]

NEW DELHI;
AUGUST 29, 2016.

SUPREME COURT OF INDIA



JUDGMENT