

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 19 of 2019 (O&M)

Date of decision : 26.8.2019

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Veerpal Kaur

.....Applicant

vs.

Gurinder Singh Sandhu

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Parveen K. Kataria, Advocate for the applicant.

Gurinder Singh Sandhu - Respondent in person.

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H. S. Madaan, J. (Oral)

This application for transfer of petition under Section 9 of the Hindu Marriage Act, 1955 titled as 'Gurinder Singh Sandhu vs. Veerpal Kaur', pending in the Court of Additional Civil Judge (Senior Division) Jalandhar, to a court of competent jurisdiction at Moga, has been filed by applicant – Veerpal Kaur, aged about 35 years, presently residing with her brother at village Killi Gandharan, Tehsil Dharam Kot, District Moga, on account of matrimonial discord with her husband Gurinder Singh Sandhu, respondent.

According to the applicant, the marriage solemnized between the spouses on 6.6.2010 at Moga, did not prove to be successful, with the result, the applicant had to leave the matrimonial home and start residing with her brother at village Killi Gandharan, Tehsil Dharam

Kot, District Moga. As a pressure tactics, the respondent has filed a petition under Section 9 of the Hindu Marriage Act, against the applicant, based on false grounds. The applicant being a young woman, having no source of income, it is difficult for her to travel from her parental place to Jalandhar, to attend the dates of hearing in Court there. Therefore, the application be accepted.

Notice of the application was given to the respondent, who was duly served and has put in appearance, filed written reply and is contesting the application himself, vehemently praying for its dismissal.

I have heard learned counsel for the applicant and respondent in person, besides going through the record.

The Apex Court in various judgments has observed that in matrimonial disputes between the spouses convenience of wife should be looked into. In that regard a reference can be made to authority **Sumita Singh Versus Kumar Sanjay and another, 2002 AIR(SC) 396** by a Division Bench of Hon'ble Supreme Court.

In **Bhartiben Ravibhai Rav Versus Ravibhai Govindbhai Rav, 2017(3) RCR(Civil) 369**, the Apex Court had allowed application for transfer of the divorce petition to a place where the wife was residing considering various factors including the distance between the place where the wife was residing and the place of sitting of the Court where divorce petition had been instituted and the fact that the wife had filed two cases against her husband in the Court at the place of her residence wherein the respondent had already put in appearance.

In *Apurva Versus Navtej Singh, 2017(2) Law Herald 966*

by a Co-ordinate Bench of this Court, it was observed that wherever the Courts are called upon to consider the plea of transfer in matrimonial disputes, the Courts have to take into consideration various factors like economic soundness of either of the parties, the social strata of the spouses to which they belong and behavioural pattern, standard of life antecedents of marriage. Generally it is the wife's convenience, which must be looked at by the Courts while deciding the transfer application.

Keeping in view the contentions in the application and submissions made by learned counsel for the applicant, I find that ends of justice demand that the application be allowed.

Accordingly, the application is accepted. The petition in question pending in the court of Additional Civil Judge (Senior Division), Jalandhar, is withdrawn from that Court and transferred to the Family Court, Moga, for disposal in accordance with law. Parties through counsel are directed to appear there on 30.9.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

26.8.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes/ No

Whether reportable Yes/ No