

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

T.A. No. 33 of 2019

DATE OF DECISION :- March 18, 2019

Prabhjot Kaur

...Applicant

Versus

Tejinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Parambir Singh, Advocate for the applicant.

Applicant Prabhjot Kaur, aged about 24 years, estranged wife of Tejinder Singh-respondent, presently residing with her parents at Village Birmi, Tehsil and District Ludhiana on account of matrimonial discord between the spouses by way of filing the instant application seeks transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband Tejinder Singh against her having title 'Tejinder Singh Vs. Prabhjot Kaur' pending in the Court of Additional District Judge (Sr. Divn.), Dhuri to the Court of District Judge, Ludhiana.

According to the applicant, the marriage was performed between the parties on 19.11.2017. Thereafter the spouses started residing together but were not blessed with any child. The attitude of respondent and his family members towards the applicant was cruel in connection with demand of dowry. Ultimately, she was turned out of the matrimonial home and she started residing with her parents at Village Birmi, Tehsil and District Ludhiana. The parties had agreed to get their marriage dissolved by way of Panchyati divorce and to file petition under Section 13B of the Hindu Marriage Act. However,

the respondent backed out and rather filed a petition under Section 9 of the Hindu Marriage Act against the applicant. The applicant being a young woman, having no source of income, it is difficult for her to travel from her parental place to Dhruvi, covering a distance of 70 kms on one side, therefore, the application be accepted.

Notice of the application was given to the respondent, who as per office report has been duly served but he has not turned up to offer a contest.

I have heard learned counsel for the applicant 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, in which I find merit, in absence of any strong circumstance to the contrary, it would be proper and appropriate if the application is accepted. The same is accordingly allowed. The petition in question is ordered to be withdrawn from the Court of Additional District Judge (Sr. Divn.), Dhuri and transferred to Family Court at Ludhiana for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 29.4.2019. Copies of orders be sent to the Court of Additional District Judge (Sr. Divn.), Dhuri as well as to the Family Court at Ludhiana for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 18, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No