

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

T.A. No. 32 of 2019

DATE OF DECISION :- March 18, 2019

Kulwinder Kaur @ Angrej Kaur

...Applicant

Versus

Paramjit Singh

...Respondent

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

Present:- Mr. Ankit Rana, Advocate for the applicant.

By way of filing the present application, applicant Kulwinder Kaur @ Angrej Kaur, aged about 47 years, estranged wife of Paramjit Singh-respondent presently residing with her parents at Village Badrukhan, Tehsil and District Sangrur, seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by her husband Paramjit Singh against her having title 'Paramjit Singh Vs. Kulwinder Kaur @ Angrej Kaur' pending in the Court of Civil Judge (Sr. Divn), S.A.S. Nagar, Mohali to the Court of competent jurisdiction at Sangrur.

According to the applicant, the marriage between the parties which was performed on 7.6.1998 ran into rough weather. The couple was blessed with three children. However, one of the daughters has expired. The respondent and his family members treated her with cruelty and forced her to leave the matrimonial home. She is putting up with her parents at Village Badrukhan, Tehsil and District Sangrur. She has filed a petition under Section 125 Cr.P.C. in the Court at Sangrur. As a counter blast the respondent has brought a petition under Section 9 of the Hindu Marriage Act in the Court at

Mohali. The applicant being a young woman, having no source of income, it is difficult for her to travel from her parental place to Mohali covering a distance of about 133 kms on one side so as to attend the dates of hearing in the Courts there, as such 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 Civil Judge (Sr. Divn), S.A.S. Nagar, Mohali and transferred to the Court of District Judge, Sangrur for disposal in accordance with law. Learned District Judge, Sangrur may retain the petition on his board or assign it to any other Court of competent jurisdiction.

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 Civil Judge (Sr. Divn), S.A.S. Nagar, Mohali as well as to the Court of District Judge, Sangrur for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 18, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No