

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

T.A. No. 43 of 2019

DATE OF DECISION :- March 20, 2019

Gurpreet Kaur

...Applicant

Versus

Gursharan Singh

...Respondent

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

Present:- Mr. G.S. Bajwa, Advocate for the applicant.

Applicant Gurpreet Kaur, aged about 34 years, wife of Gursharan Singh-respondent, presently residing with her parents at Village Khun Kalan, Tehsil Dasuya, District Hoshiarpur on account of matrimonial discord between the spouses by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Gursharan Singh against her having title 'Gursharan Singh Vs. Gurpreet Kaur' pending in the Court of Additional District Judge, Jalandhar to the Court of competent jurisdiction at Hoshiarpur.

According to the applicant, a matrimonial dispute arose between the parties, resultantly the applicant-wife along with minor daughter of the parties namely Baby Sareet Kaur, presently aged about 4 years had to leave the matrimonial home and start residing with parents of applicant No. 1 at Village Khun Kalan, Tehsil Dasuya, District Hoshiarpur.

The respondent is serving in Indian Air Force. He has filed the divorce petition against the applicant as a pressure tactic. The applicant being a young woman, taking care of minor daughter of the parties, it is difficult for her to travel from her parental place to Jalandhar covering a distance of 98 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, Jalandhar and transferred to Family Court at Hoshiarpur for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 24.4.2019. Copies of orders be sent to the Court of Additional District Judge, Jalandhar as well as to the Family Court at Hoshiarpur for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 20, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No