

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 69 of 2019 (O&M)

Date of decision : 26.8.2019

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Manpreet Kaur

.....Applicant

vs.

Sumeet Loona

.....Respondent

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

Present: Mr. Rajbir Singh, Advocate for the applicant.

Ms. Gurvir Kaur Gill, Advocate for the respondent.

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H. S. Madaan, J. (Oral)

Applicant – Manpreet Kaur, aged about 29 years, estranged wife of Sumeet Loona-respondent presently residing with her parents at Tehsil Budhlada, District Mansa, on account of matrimonial discord with her husband, has filed the instant application under Section 24 CPC, seeking transfer of petition under Section 9 of the Hindu Marriage Act, 1955, filed by her husband, who is respondent in the present application, against her, having title 'Sumeet Loona vs. Manpreet Kaur' pending in the Court of Civil Judge (Senior Division), Fazilka, to a Court of competent jurisdiction at Budhlada, District Mansa.

According to the applicant, the marriage solemnized between the parties on 8.5.2017 at Bathinda, ran into rough weather on account of demand of dowry raised by the respondent and his family members, which demand she could not get fulfilled. She was harassed, maltreated on that account and ultimately, she was turned out of the matrimonial home after giving merciless beatings on 23.7.2017. She had no other place to go except the house of her parents at Budhlada. She does not have any source of income. She has filed a petition under Section 125 Cr.P.C. against the respondent in the Court at Budhlada, seeking maintenance. She has filed a complaint against the respondent under the Protection of Woman from Domestic Violence Act, at Budhlada. As a counter blast, the respondent has filed a petition under Section 9 of the Hindu Marriage Act, against her to cause harassment and inconvenience to the applicant. It is difficult for the applicant to travel from her parental place to Fazilka, to attend the dates of hearing in Court there, covering a distance of 185 kms on one side. Therefore, the application be accepted.

Notice of the application was given to the respondent, who was duly served and has appeared through counsel, vehemently contesting the application, praying for dismissal of the same.

I have heard learned counsel for the parties, 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 Civil Judge (Senior Division), Fazilka, is withdrawn from that Court and transferred to the Court of

District Judge, Mansa, for disposal in accordance with law. The District Judge, Mansa, may retain the petition on his Board or transfer it to any other Court of competent jurisdiction. 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