

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

TA-73-2019 (O&M)

Date of decision: 09.05.2019

Lovepreet Kaur

...Applicant

Versus

Varinder Singh

...Respondent

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

Present: Mr. Munish Jhanji, Advocate for
Mr. Gitish Bhardwaj, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

Applicant Lovepreet Kaur, aged about 25 years, estranged wife of respondent Varinder Singh, presently residing with her parents at Village Mehtabgarh, Tehsil and District Fatehgarh Sahib, on account of matrimonial discord between the spouses, by way of moving the present application seeks transfer of petition under Section 9 of the Hindu Marriage Act, having title 'Varinder Singh Vs. Lovepreet Kaur' pending in the Court of Addl. Civil Judge (Sr. Divn.) Khadur Sahib to the Court of competent jurisdiction at Fatehgarh Sahib.

According to the applicant, she is a young woman, who is residing with her parents due to harassment and maltreatment meted to her by her husband in connection with demand of more dowry; that she does not have any source of income and is dependent upon her parents for her needs; that she has filed a petition under Section 125 Cr.P.C., against the respondent in the Court of JMFC, Fatehgarh Sahib, where respondent

has not appeared despite service and has been proceeded against ex parte. The respondent has filed the petition in question against her just to cause harassment. It is difficult for the applicant to go from her parental place to Khadur Sahib to attend the dates of hearing in the Court there, covering a distance of about 200 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent, however, the respondent did not appear 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 Ray** Versus **Ravibhai Govindbhai Ray**, 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 Addl. Civil Judge (Sr. Divn.) Khadur Sahib and transferred to the Court of learned District Judge, Fatehgarh Sahib for disposal in accordance with law. Learned District Judge, Fatehgarh Sahib may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties are directed to appear in the transferee Court on 30.05.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

09.05.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No