

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

TA-96-2019 (O&M)

Date of decision: 08.05.2019

Nandini Chadha

...Applicant

Versus

Sandeep Pangotra

...Respondent

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

Present: Mr. S.S. Dalal, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

According to the applicant Nandini Chadha, aged about 26 years, she got married with respondent Sandeep Pangotra on 11.03.2011 at Baltana, Zirakpur. Thereafter, they started residing together at Ludhiana. Right from the beginning, the respondent subjected the applicant to cruelty in connection with demand of dowry. The couple was blessed with a son, namely, Samnit Pangotra, born on 18.01.2012. Circumstances were so created by the respondent that the applicant had to leave the matrimonial home and start residing separately. She has lodged a complaint with the police. She has further filed a complaint under provisions of Protection of Women from Domestic Violence Act, 2005, seeking maintenance and custody of minor son of the parties. As a counter blast, the respondent has filed a divorce petition against the applicant before District Judge, Amritsar just to harass and create trouble for the applicant. As a matter of fact, the respondent himself is serving in

a bank at Ludhiana and is residing in rented premises in that very city. Therefore, the present application be transferred from the Court of District Judge, Amritsar to the Court of District Judge, Ludhiana.

Notice of the application was given to the respondent, who was duly served but did not turn 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 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 District Judge, Amritsar and transferred to Family Court at Ludhiana for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 31.05.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

08.05.2019

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(H.S. MADAAN)
JUDGE

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