

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

TA-101-2019 (O&M)

Date of decision: 23.07.2019

Meera

...Applicant

Versus

Ram Bahadur

...Respondent

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

Present: Mr. S.K. Bawa, Advocate for the applicant.

Mr. Tarun Sharma, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Meera, aged about 46 years, estranged wife of respondent Ram Bahadur, presently residing separate from her husband at Phillaur, District Jalandhar, on account of differences between the parties, by way of filing the present application, seeks transfer of divorce petition, filed by her husband, the respondent against her having title 'Ram Bahadur Vs. Meera' pending in the Court of Addl. District Judge, Ferozepur to the Court of competent jurisdiction at Jalandhar.

As per version of the applicant, the marriage between the parties was solemnized on 13.02.1990. Thereafter, they started residing together. The marriage was consummated and the couple was blessed with three children i.e. two sons, who are major and a daughter, who is minor; that the applicant was deserted by the respondent and spouses are residing separately. The applicant does not have any source of income.

She has filed a petition under Section 12 etc. of Protection of Women

from Domestic Violence Act, 2005 against the respondent, which is pending before JMIC, Phillaur. The respondent has put in appearance in that case. The minor daughter of the parties is residing with the applicant. Under the circumstances, it is difficult for the applicant to travel from Phillaur to Ferozepur to attend the dates of hearing in the Court there, covering a distance of about 139 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent who put in appearance through counsel and is opposing the application vehemently, praying for its dismissal.

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, 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. District Judge, Ferozepur and transferred to Family Court at Jalandhar for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 26.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

23.07.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No