

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

T.A. No. 156 of 2019

DATE OF DECISION :- October 24, 2019

Satnam Kaur

...Applicant

Versus

Gurpreet Singh

...Respondent

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

Present:- Ms. Kamaldeep Kaur, Legal Aid Counsel for the applicant.

Mr. Palvinder Singh, Advocate for the respondent.

Applicant Satnam Kaur, aged about 30 years, estranged wife of Gurpreet Singh-respondent, presently residing with her parents at Ambala, on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of divorce petition filed by her husband Gurpreet Singh against her having title 'Gurpreet Singh Vs. Satnam Kaur' pending in the Court of Additional District and Sessions Judge, S.A.S. Nagar, Mohali to the Court of competent jurisdiction at Ambala.

According to version of the applicant, the marriage performed between the parties on 5.11.2014 ran into rough weather. The couple was not blessed with any child. She was harassed and maltreated by the respondent and his family members on demand of more dowry and ultimately she was forced to leave the matrimonial home. She does not have any source of income and is dependent upon her parents for her financial needs. Two cases between the parties are pending in the Court at Ambala. The respondent has filed divorce petition against her in the Court at S.A.S. Nagar, Mohali to cause harassment and inconvenience to her. It is difficult for her to travel from her parental place to S.A.S. Nagar, Mohali,

so as to attend the dates of hearing in the Court there, therefore, the application be accepted.

Notice of the application was given to the respondent, who was duly served and has put in appearance through his counsel.

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 Additional District and Sessions Judge, S.A.S. Nagar, Mohali and transferred to Family Court at Ambala for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 25.11.2019. Copies of orders be sent to the Court of Additional District and Sessions Judge, S.A.S. Nagar, Mohali as well as to the Family Court at Ambala for information and necessary compliance.

(H.S. MADAAN)
JUDGE

October 24, 2019
p.singh

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