

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

TA-165-2019 (O&M)

Date of decision: 23.07.2019

Harpreet Kaur

...Applicant

Versus

Talwinder Singh

...Respondent

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

Present: Mr. Angad Chahal, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

Mr. Harsh Manocha, Advocate has appeared on behalf of the respondent by filing memo of appearance, which be taken on record.

Applicant Harpreet Kaur, aged about 29 years, estranged wife of respondent Talwinder Singh, presently residing with her mother at Patiala, on account of matrimonial differences between the parties, by way of filing the present application, seeks transfer of petition under Section 9 of the Hindu Marriage Act, filed by her husband, the respondent against her having title 'Talwinder Singh Vs. Harpreet Kaur' pending in the Court of Civil Judge (Jr. Divn.) Chandigarh to the Court of competent jurisdiction at Patiala.

As per version of the applicant, the marriage between the parties was solemnized on 28.03.2015 at Patiala. Thereafter, they started residing together. The marriage was consummated and the couple was blessed with a son, who is aged about 03 years. The applicant discovered

that the respondent was a drug addict and had a serious psychiatric problem. He was admitted in rehabilitation centres several times and was taken to psychiatrist but he did not give up his bad habits. He had been treating the applicant with cruelty, giving beatings to her frequently. The respondent has become so violent that he used to break household articles such as TV, fridge. Resultantly, the applicant got scared and due to such cruel treatment, she along with minor son of the parties walked out of the matrimonial home and since then, she is residing with her mother at Patiala, since her father is working in Himachal, whereas, her younger brother is staying abroad and her sister is married. She does not have any source of income. The applicant being a young woman, having financial constraints, it is difficult for the applicant to travel from her parental place to Chandigarh to attend the dates of hearing in the Court there, covering a distance of about 80 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 Civil Judge (Jr. Divn.), Chandigarh and transferred to Family Court at Patiala 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 :	Yes	No
Whether Reportable :	Yes	No