

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

T.A. No. 201 of 2019

DATE OF DECISION :- May 06, 2019

Satinder Kaur

...Applicant

Versus

Jagtar Singh

...Respondent

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

Present:- Mr. J.S. Thind, Advocate for the applicant.

Applicant Satinder Kaur, aged about 26 years, wife of Jagtar Singh-respondent, presently residing with her parents at Amritsar on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband Jagtar Singh against her having title 'Jagtar Singh Vs. Satinder Kaur' pending in the Court of Civil Judge, Kharar District SAS Nagar Mohali to the Court of competent jurisdiction at Amritsar.

According to the applicant Ms. Satinder Kaur, the marriage with respondent Jagtar Singh was performed on 24.1.2010 at Village Wadala, District Amritsar. Thereafter they started residing together. The marriage was consummated and applicant gave birth from the loins of respondent to a female child namely Baby Simranjit Kaur born on

22.11.2010; that the applicant was harassed and maltreated by the respondent. The respondent has been a very heavy drinker. Ultimately she was forced to leave the matrimonial home and start residing with her parents. The applicant has filed a petition under Section 125 Cr.P.C. against the respondent seeking maintenance in the Court of JMIC, Amritsar. The respondent has filed petition under Section 9 of the Hindu Marriage Act against the applicant. It is difficult for her to travel from Amritsar to Mohali, covering a distance of about 250 kms 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 as per office report has been duly served but he has not turned 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 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, Kharar and transferred to Family Court at Amritsar for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 30.5.2019. Copies of orders be sent to the Court of Civil Judge, Kharar, District S.A.S. Nagar, Mohali as well as to the Family Court at Amritsar for information and necessary compliance.

(H.S. MADAAN)
JUDGE

May 06, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No