

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

T.A. No. 235 of 2019

DATE OF DECISION :- November 01, 2019

Sunaina Choudhary

...Applicant

Versus

Gurpreet Singh

...Respondent

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

Present:- Mr. S.K. Choudhary, Advocate for the applicant.

Ms. Divya Jerath, Advocate for the respondent.

Applicant Sunaina Choudhary, aged about 22 years, estranged wife of Gurpreet Singh-respondent, presently residing with her parents at Pathankot on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Gurpreet Singh against her having title 'Gurpreet Singh Vs. Sunaina @ Sunaina Chauwdhary' pending in the Court of District Judge (Family Court), Shaheed Bhagat Singh Nagar to the Court of competent jurisdiction at Pathankot.

According to the applicant, the marriage performed between the parties on 17.12.2014 ran into rough weather though the couple was blessed with a male child namely Agamjit, presently aged about 3½ years. The applicant was harassed and maltreated by the respondent and his family

members in connection with demand of dowry which she could not get fulfilled from her parents. Ultimately, she was turned out of the matrimonial home and start residing with her parents at Pathankot along with minor son of the parties. She does not have any source of income. She has filed a petition under Section 125 Cr.P.C. against the respondent in the Court at Pathanaket. She has filed a petition under Section 9 of the Hindu Marriage Act against him in the Court of competent jurisdiction at Pathankot. As a counter blast, the respondent has brought the divorce petition against the applicant. Under the circumstances, it is difficult for her to travel from her parental place to Shaheed Bhagat Singh Nagar covering a distance of about 150 kms on one side 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 has put in appearance through counsel and has filed written reply opposing the application vehemently praying for its dismissal.

Learned counsel for the respondent has contended that respondent is serving in Indian Army and it would be quite difficult for him to attend the date of hearing in the Court at Pathankot and further he is ready to make payment to the applicant to cover her travelling and miscellaneous expenses if the case is allowed to remain in the Court at Shaheed Bhagat Singh Nagar.

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 District Judge (Family Court), Shaheet Bhagat Singh Nagar and transferred to Family Court at Pathankot for disposal in accordance with law.

The parties through their counsel are directed to appear in the

transferee Court on 2.12.2019. Copies of orders be sent to the Court of District Judge (Family Court), Shaheed Bhagat Singh Nagar as well as to the Family Court at Pathankot for information and necessary compliance.

(H.S. MADAAN)
JUDGE

November 01, 2019
p.singh

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