

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

TA-256-2019 (O&M)
Date of decision: 28.08.2019

Sandeep Kaur

...Applicant

Versus

Prince Kumar

...Respondent

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

Present: Mr. Manoj Bakshi, Advocate for the applicant.

Mr. Ramesh Kumar, Legal Aid Counsel for the respondent.

H.S. MADAAN, J. (Oral)

CM-15024-CII-2019

Heard.

There is no merit in the application. The same stands dismissed.

Main Case

Applicant Sandeep Kaur, aged about 29 years, estranged wife of respondent Prince Kumar, presently residing with her parents at Village Laharsa, PO Gheal, District Ambala, on account of matrimonial discord between the spouses, by way of filing the present application, seeks transfer of divorce petition, filed by her husband, the respondent against her having title 'Prince Kumar Vs. Sandeep Kaur' pending in the Court of Addl. Principal Judge, Family Court, Patiala to the Court of competent jurisdiction at Ambala.

As per version of the applicant, the marriage solemnized between the spouses on 29.03.2015 did not work. The couple was not blessed with any child. Due to harassment and maltreatment meted out to the applicant at the hands of respondent and his family members in connection with demand of more dowry, she was forced to leave the matrimonial home on 04.09.2015 and started residing with her parents at Village Laharsa, PO Gheal, District Ambala. She does not have any source of income and is dependent upon her parents for meeting her financial needs. She has filed a petition under Section 125 Cr.P.C. against the respondent in a Court at Ambala. She has also instituted a criminal case against the respondent under Sections 323, 354 and 506 of IPC at Ambala. As a counter blast, the respondent has filed the petition in question against the applicant just to harass her. The applicant being a young woman, having no source of income, it is difficult for her to travel from her parental place to Patiala, to attend the dates of hearing in the Court there, covering a distance of about 65 kms on one side, more particularly, when there is no male member in her family to accompany her to go to Patiala in connection with dates of hearing. Therefore, the present application be accepted.

Notice of the application was given to the respondent who put in appearance through counsel and filed written reply 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. Principal Judge, Family Court, Patiala and transferred to Family Court at Ambala for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 03.10.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

To address the apprehension of the respondent with regard to his safety, SP, Ambala is directed to ensure that no physical harm is caused to the respondent or any person accompanying him to Ambala in connection with the dates of hearing in the Court there.

28.08.2019
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(H.S. MADAAN)
JUDGE

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