

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

T.A. No. 313 of 2019

DATE OF DECISION :- October 18, 2019

Amandeep Kaur

...Applicant

Versus

Amandeep Singh Anand

...Respondent

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

Present:- Mr. K.L. Arora, Advocate for the applicant.

Mr. Piyush Sharma, Advocate for the respondent.

Applicant Amandeep Kaur, aged about 28 years, wife of Amandeep Singh Anand-respondent, presently residing with her parents at Sangrur, 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 Amandeep Singh Anand against her having title 'Amandeep Singh Anand Vs. Amandeep Kaur' pending in the Court of District Judge, Ferozepur to the Court of competent jurisdiction at Sangrur.

According to the applicant, the marriage performed between the parties on 3.4.2016 ran into rough weather through the couple was blessed with a son on 8.1.2017. The circumstances were so created by the respondent that applicant had to leave the matrimonial home and start residing with her parents at Sangrur along with the minor son. The applicant does not have any source of income and is dependent upon her parents for

meeting her financial needs and that of her minor son. The respondent has filed the divorce petition against her just to cause harassment and inconvenience to the applicant. It is difficult for her to travel from her parental place to Ferozepur 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 put in appearance through 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 District Judge, Ferozepur and transferred to the Court of District Judge, Sangrur for disposal in accordance with law. Learned District Judge, Sangrur may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 18.11.2019. Copies of orders be sent to the Court of District Judge, Ferozepur as well as to the Court of District Judge, Sangrur for information and necessary compliance.

**(H.S. MADAAN)
JUDGE**

October 18, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No