

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

TA-325-2019 (O&M)

Date of decision: 21.08.2019

Karanbir Kaur

...Applicant

Versus

Rajdeep Singh

...Respondent

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

Present: Mr. Shubham Mehta, Advocate for the applicant.

Mr. Vikas Gupta, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Karanbir Kaur, aged about 31 years, estranged wife of respondent Rajdeep Singh, 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 'Rajdeep Singh Vs. Karanbir Kaur' pending in the Court of District Judge, Tarn Taran to the Court of competent jurisdiction at Amritsar.

As per version of the applicant, the marriage solemnized between the parties on 13.12.2015 at Amritsar did not work. The couple was not blessed with any child. On account of maltreatment and harassment at the hands of respondent in connection with demand of more dowry, she was forced to leave the matrimonial home in the month of May 2017 and since then she is residing separately. She has filed a petition under Section 125 Cr.P.C., besides a complaint under Section 12

of Protection of Women from Domestic Violence Act, 2005 against the respondent and his family members in Courts at Amritsar. The father of applicant is residing in USA and the applicant does not have any source of income. There is no male member in the family to accompany the applicant to attend the dates of hearing in Court at Tarn Taran. 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 Ray** Versus **Ravibhai Govindbhai Ray**, 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, Tarn Taran and transferred to Family Court at Amritsar for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 24.09.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

21.08.2019
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(H.S. MADAAN)
JUDGE

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