

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

T.A. No. 363 of 2019

DATE OF DECISION :- November 05, 2019

Ramandeep Kaur

...Applicant

Versus

Manpreet Singh

...Respondent

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

Present:- Mr. R.S. Sidhu, Advocate for the applicant.

Mr. Ramandeep, Advocate for the respondent.

Applicant Ramandeep Kaur, aged about 28 years, estranged wife of Manpreet Singh-respondent, presently residing with her parents at Village Sherpur, Tehsil Dhuri, District Sangrur, 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 Manpreet Singh against her having title 'Manpreet Singh Vs. Ramandep Kaur' pending in the Court of Additional Civil Judge (Sr. Division), Samana, District Patiala to the Court of competent jurisdiction at Dhuri, Sangrur.

According to the applicant, the marriage performed between the parties on 14.1.2018 ran into rough weather. The couple was not blessed with any child. Due to harassment meted out to the applicant by the respondent, she had to leave the matrimonial home and start residing with her parents. She does not have any source of income. Her husband has filed petition in question

against her in the Court at Samana, District Patiala just to cause harassment and inconvenience to her. It is difficult for her to travel from Sangrur to Patiala covering a distance of 60-65 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 vehemently opposing the application.

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 Additional Civil Judge (Sr. Division), Samana, District Patiala 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 5.12.2019. Copies of orders be sent to the Court of Additional Civil Judge (Sr. Division), Samana, District Patiala as well as to the Court of District Judge, Sangrur for information and necessary compliance.

(H.S. MADAAN)
JUDGE

November 05, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No