

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

TA-371-2019 (O&M)

Date of decision: 24.07.2019

Parminder Kaur

...Applicant

Versus

Shavinder Singh

...Respondent

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

Present: Mr. K.S. Chahal, Advocate for the applicant.

Mr. S.S. Ranghi, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

This application for transfer of divorce petition, titled 'Shavinder Singh Vs. Parminder Kaur' pending in the Court of Addl. District Judge, Fatehgarh Sahib to the Court of competent jurisdiction at Sangrur, has been filed by applicant Parminder Kaur, aged about 41 years, estranged wife of respondent Shavinder Singh, presently residing with her parents at Sangrur, on account of differences between the parties.

According to the applicant, the marriage solemnized between the parties on 11.03.2017 did not work on account of inability of applicant to get the demands of respondent and his family members accepted from her parents. Consequently, she was harassed and maltreated. The couple was blessed with a son, namely, Master Puranjit Singh, born on 11.01.2008. Ultimately, the applicant along with minor son turned out of the matrimonial home and start residing with her

parents at Sangrur. She has filed a petition under Section 125 Cr.P.C. on behalf of her minor son seeking grant of maintenance for the minor child against the respondent in Court at Sangrur. Under the circumstances, it is difficult for the applicant to travel from her parental place to Fatehgarh Sahib to attend the dates of hearing in the Court there, covering a distance of about 80 kms on one side. 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, contending that the applicant is employed as a teacher in a school, as such, she has no financial constraints and that in the FIR No.46 dated 03.04.2013 for offences under Section 406 and 498-A IPC, got registered by the applicant with Police Station Bhawanigrah, after trial, the respondent and other accused were acquitted by the trial Court, vide judgment dated 05.12.2018 and that the application for transfer of the case deserves to be dismissed.

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. District Judge, Fatehgarh Sahib and transferred to the Court of learned 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 counsel are directed to appear in the transferee Court on 27.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

Learned counsel for the respondent has contended that the transferee Court be directed to dispose of the petition expeditiously. Of course, prompt and expeditious trial is right of every litigant. Therefore, the transferee Court is directed to dispose of the divorce petition expeditiously by giving short adjournments.

24.07.2019

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(H.S. MADAAN)
JUDGE

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