

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

TA-404-2019 (O&M)

Date of decision: 25.07.2019

Anshpreet Kaur

...Applicant

Versus

Simarjit Singh

...Respondent

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

Present: Mr. Vinod Kumar, Advocate for the applicant.

Mr. Piyush Setia, Advocate for
Mr. Ravish Bansal, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Anshpreet Kaur, aged about 31 years, estranged wife of respondent Simarjit Singh, presently residing with her parents at Ludhiana, on account of matrimonial discord between the spouses, by way of filing the present application, seeks transfer of petition under Section 9 of the Hindu Marriage Act, filed by her husband, the respondent against her having title 'Simarjit Singh Vs. Anshpreet Kaur' pending in the Court of District Judge, Family Court, Faridkot to the Court of competent jurisdiction at Ludhiana.

As per version of the applicant, the marriage solemnized between the parties on 16.10.2012 at Ludhiana did not work. It was second marriage for both the spouses. The respondent is having a daughter from his first marriage, whereas, from the second marriage of applicant with the respondent, she gave birth to a son, presently aged

about 04 years. Unfortunately, the applicant was tortured and harassed by the respondent and his parents. The respondent is a drug addict and he has been maintaining relations with her under influence of drugs time and again against her wishes. He has been levelling false allegations against the moral character of the applicant. Under the compelling circumstances, the applicant was forced to leave the matrimonial home. She had no other place to go except the house of her parents at Ludhiana. She has filed a petition under Section 125 Cr.P.C against the respondent in a Court at Ludhiana. She has also submitted a written complaint to the police against the respondent, which is under consideration. With a mala fide intention, the respondent has filed the petition in question against the present applicant. The applicant being a young woman, having financial constraints, it is difficult for the applicant to travel from her parental place to Faridkot to attend the dates of hearing in the Court there, covering a distance of about 130 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, filed written reply 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, Family Court, Faridkot and transferred

to Family Court at Ludhiana for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 28.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

25.07.2019

sumit.k

(H.S. MADAAN)
JUDGE

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