

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

T.A. No. 1025 of 2018

DATE OF DECISION :- May 06, 2019

Gagandeep Kaur

...Applicant

Versus

Ajay Pal Singh

...Respondent

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

Present:- Mr. N.S. Dadwal, Advocate for the applicant.

Mr. Mohit Sadana, Advocate for the respondent.

Applicant Gagandeep Kaur, aged about 32 years, wife of Ajay Pal Singh-respondent, presently residing with her parents at Ludhiana 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 Ajay Pal Singh against her having title 'Ajay Pal Singh Vs. Gagandeep Kaur' pending in the Court of Civil Judge, (Sr. Divn.), Sangrur to the Court of competent jurisdiction at Ludhiana.

According to the applicant, she was married with the respondent on 7.12.2013. Thereafter the couple started residing together and were blessed with a male child namely Poonarjot Singh on 19.5.2015; that attitude of respondent and his family members towards the applicant was not proper since they were not happy with the dowry articles given to the

applicant by her parents and they wanted to her to bring more dowry articles which she could not do, therefore, she was harassed and maltreated and even physically beaten up. She was forced to leave the matrimonial home. She had no other place to go except house of her parents at Jagraon; that respondent has filed petition under Section 9 of the Hindu Marriage Act against the present applicant in the Court of Civil Judge (Sr. Division), Sangrur. The applicant is working as a teacher in a Government School. She being a young woman, taking care of minor son of the parties, it is difficult for her to go from her parental place to Sangrur to attend the date of hearing in the Court there, as such the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel and has filed written reply contesting the application and denying the allegations while praying for dismissal of the same.

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 Civil Judge, (Sr. Divn.), Sangrur and transferred to Family Court at Ludhiana for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 30.5.2019. Copies of orders be sent to the Court of Civil Judge, (Sr. Divn.), Sangrur as well as to the Family Court at Ludhiana for information and necessary compliance.

The Senior Superintendent of Police, Ludhiana is directed to ensure that no physical harm is caused to the respondent or to his family

members or persons accompanying him when he/they go to Ludhiana to attend the dates of hearing. A copy of this order be sent to Senior Superintendent of Police, Ludhiana also.

(H.S. MADAAN)
JUDGE

May 06, 2019
p.singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No