

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 1061 of 2018 (O&M)

Date of decision : 24.5.2019

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Harmeet Kaur

.....Applicant

vs.

Manpreet Singh

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Deshpreet Singh, Advocate for the applicant.

Mr. Lakhvir Kumar, Advocate for

Mr. Kanwal Pahul Singh, Advocate for the respondent.

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H. S. Madaan, J. (Oral)

Applicant – Harmeet Kaur, aged about 39 years, w/o respondent- Manpreet Singh, presently residing with her parents at Abohar, District Fazilka, on account of matrimonial discord between the parties, by way of moving the present application, seeks transfer of petition under Section 9 of the Hindu Marriage Act, titled 'Manpreet Singh vs. Harmeet Kaur' pending in the Court of Additional Civil Judge (Senior Division) Ajnala, District Amritsar, to a Court of competent jurisdiction at Fazilka.

As per case of the applicant, marriage between the parties was solemnized on 21.1.2012. Thereafter, they started residing

together. The marriage was consummated. The couple was blessed with a son. However, she was harassed and maltreated by the respondent and his family members in connection with demand of dowry. She alongwith the minor son was ultimately turned out of the matrimonial home. They had no other place to go except the house of parents of the applicant at Abohar. As per version of the applicant, she does not have any source of income, rather she alongwith minor son of the parties are dependent upon parents of the applicant for their financial needs; that she has filed a petition under Section 125 Cr.P.C. against the respondent besides application under Section 12 of Protection of Women from Domestic Violence Act, 2005 and got filed a complaint under Section 406, 498-A IPC against the respondent at Abohar. As a pressure tactic, the respondent has filed a petition under Section 9 of the Hindu Marriage Act, against her in the Court at Ajnala. It is difficult for her to travel such a long distance and go from Abohar to Ajnala, to attend the dates of hearing in Court there, covering a distance of 260 kms on one side, when she has got financial constraints and has got minor son of the parties to look after. As such the application be accepted.

Notice of the application was given to the respondent, who had put in appearance through counsel, 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 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, I find that ends of justice demand that the application be allowed.

Accordingly, the application is accepted. The petition in

question pending in the court of Additional Civil Judge, (Senior Division), Ajnala, District Amritsar, is withdrawn from that Court and transferred to the Court of District Judge, Fazilka, who may retain the case on his Board or assign it to any other Court of competent jurisdiction, for disposal in accordance with law. Parties through counsel are directed to appear there on 23.7.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

24.5.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
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Whether reportable	Yes / No
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