

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

TA-1086-2018 (O&M)
Date of decision: 09.05.2019

Minakshi @ Maninder

...Applicant

Versus

Rajinder Singh @ Raju

...Respondent

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

Present: Ms. Poonam Tara Prasher, Advocate for the applicant.

Mr. Ramandeep, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Minakshi @ Maninder, seeks transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband, the respondent against her, pending in the Court of Civil Judge (Sr. Divn.) Samana to the Court of competent jurisdiction at Amritsar for the following reasons:-

1. That on account of matrimonial discord between the parties, the applicant is residing with her parents at Amritsar.
2. That she does not have any source of income.
3. That she is taking care of minor son of the parties, aged about 04 years, who is suffering from Asthma.
4. That she being a young woman, it is difficult for the applicant to travel from Amritsar to Patiala to attend the dates of hearing in the Court there. Therefore, the present application be accepted.

The application is being opposed by the respondent vehemently, submitting that the assertions in the application are wrong and no ground is made out to allow 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 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 Civil Judge (Sr. Divn.) Samana and transferred to Family Court at Amritsar for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 30.05.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

09.05.2019

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(H.S. MADAAN)
JUDGE

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