

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

TA-1087-2018 (O&M)

Date of decision: 30.08.2019

Dharamjeet Kaur

...Applicant

Versus

Ranjeet Singh

...Respondent

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

Present: Ms. A.K. Sekhon, Advocate for
Mr. D.S. Gandhi, Advocate for the applicant.

Mr. Vijay Rana, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Dharamjeet Kaur, aged about 32 years, estranged wife of respondent Ranjeet Singh, presently residing with her parents at Amritsar, on account of matrimonial discord between the spouses, by way of filing the present application, seeks transfer of divorce petition, filed by her husband, the respondent against her having title 'Ranjeet Singh Vs. Dharamjeet Kaur' pending in the Court of Addl. District Judge, Jalandhar to the Court of competent jurisdiction at Amritsar.

As per version of the applicant, the marriage solemnized between the spouses on 22.02.2017 did not work, though, the couple was blessed with a male child, namely, Master Abhinoor, born on 11.01.2018. The applicant along with minor son is residing with her parents at Jalandhar. Her father is 75 years old and is bed ridden. The

applicant being a young woman, taking care of minor son of the parties, it is difficult for her to travel from her parental place to Jalandhar, to attend the dates of hearing in the Court there, covering a distance of about 90 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 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, Jalandhar and transferred to Family Court at Amritsar for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 04.10.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

30.08.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No