

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

TA-1092-2018 (O&M)
Date of decision: 18.07.2019

Manisha @ Manisha Jaswalia

...Applicant

Versus

Jatinder Singh

...Respondent

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

Present: Mr. T.P. Singh, Advocate for the applicant.

Mr. Snehdip Oberoy, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Manisha @ Manisha Jaswalia, aged about 30 years, estranged wife of respondent Jatinder Singh, presently residing with her parents at Village Sadhpur, District SBS Nagar, on account of differences between the spouses, by way of filing the present application, seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955, filed by her husband, the respondent against her having title 'Jatinder Singh Vs. Manisha' pending in the Court of Civil Judge (Jr. Divn.), Ludhiana to the Court of competent jurisdiction at SBS Nagar.

According to the applicant, the marriage solemnized between the parties on 26.05.2017 at Village Sotran, District SBS Nagar did not work. The couple was not blessed with any child. On account of maltreatment and harassment of applicant at the hands of respondent and his family members, the applicant was forced to leave the matrimonial home and start residing with her parents. Just to harass and cause

inconvenience to the applicant, the respondent has filed the petition in question against her. The applicant being a young woman, having financial constraints, it is difficult for the applicant to travel from her parental place to Ludhiana to attend the dates of hearing in the Court there. Therefore, the present application be accepted.

Notice of the application was given to the respondent who put in appearance through counsel 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 Civil Judge (Jr. Divn.), Ludhiana and transferred to Family Court at SBS Nagar for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 21.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

18.07.2019

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(H.S. MADAAN)
JUDGE

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