

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

T.A. No. 1113 of 2018

DATE OF DECISION :- July 11, 2019

Suman Lata

...Applicant

Versus

Prince Kumar

...Respondent

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

Present:- Mr. Rajiv Joshi, Advocate for the applicant.

Mr. P.B.S. Goraya, Advocate for the respondent.

Applicant Suman Lata, aged about 40 years, wife of Prince Kumar-respondent, presently residing with her parents at Jalandhar on account of differences between the spouses by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Prince Kumar against her having title 'Prince Kumar Vs. Suman Lata' pending in the Court of District Judge, Family Court, Amritsar to the Court of competent jurisdiction at Jalandhar.

According to the applicant, she does not have any source of income and is dependent upon her parents for getting financial needs met; that she has filed a petition under Protection of Women From Domestic Violence Act, 2005 against the respondent in the Court at Jalandhar. The respondent has brought the divorce petition against her as a tool of harassment and inconvenience of the applicant. Applicant being a young woman, having financial constraints, it is difficult for her to travel from Jalandhar to Amritsar, covering a distance of 80 kms on one side so as to

attend the dates of hearing in the Court there, therefore, the application be accepted.

Notice of the application was given to the respondent, who has appeared through counsel and is opposing the application vehemently contending that the applicant is residing at Rayya as admitted by her before Additional Civil Judge (Sr. Divn.) Baba Bakala in proceedings of civil suit, therefore, the application be rejected.

I have heard learned counsel for the parties besides going through the record.

From the record it has come out that applicant has got the address of Jalandhar and there is no document brought on file by the respondent to show that as a matter of fact she is putting up at Rayya.

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 District Judge, Family Court, Amritsar and transferred to Family Court at Jalandhar for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 13.8.2019. Copies of orders be sent to Family Court, Jalandhar as well as to the District Judge, Family Court, Amritsar for information and necessary compliance.

(H.S. MADAAN)
JUDGE

July 11, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No