

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

T.A. No. 25 of 2018

DATE OF DECISION :- March 15, 2019

Shalini

...Applicant

Versus

Dr. Sukhwinder Singh

...Respondent

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

Present:- Applicant with counsel Mr. APS Sandhu, Advocate.

Respondent with counsel Mr. D.D. Sharma, Advocate.

The applicant states that she needs more time to think over the matter. However, the case cannot be adjourned time and again for such like reasons. Let the case proceed further on merits.

Applicant Shalini, aged about 33 years, wife of Dr. Sukhwinder Singh-respondent, presently residing with her parents at Amritsar on account of matrimonial discord between the spouses by way of filing the instant application seeks transfer of divorce petition filed by her husband Dr. Sukhwinder Singh against her having title 'Sukhwinder Singh Vs. Shalini' pending in the Court of District Judge, Chandigarh to the Court of competent jurisdiction at Amritsar.

According to the applicant, the marriage performed between the parties on 22.4.2015 ran into rough weather though the couple was blessed with a son namely Master Gursirat Singh stated to be aged about 2½ years presently. The applicant along with minor son of the parties had to leave the

matrimonial home and start residing with her parents at Amritsar. She has filed a petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 and a criminal complaint under Section 406/498A/120-B IPC against the respondent in the Courts at Amritsar. As a pressure tactic the respondent has filed a divorce petition against him in the Court at Chandigarh. The applicant being a young woman, taking care of minor son of the parties, it is difficult for her to travel from Amritsar to Chandigarh covering a distance of about 250 Kms on one side so as to attend the dates of hearing there, as such the application be accepted.

Notice of the application was given to the respondent, who put in appearance through his counsel and is vehemently opposing the application contending that the respondent is in government service and presently posted at Faridkot which facts have been concealed by her in the application, therefore, the application be dismissed.

Learned counsel for the applicant has contended that the applicant is staying at Faridkot temporarily since she has submitted a written request to her department to transfer her to Amritsar so as to enable her to reside with her parents and she has also applied for her posting at Amritsar.

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 District Judge, Chandigarh 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 26.4.2019. Copies of orders be sent to the Court of District Judge, Chandigarh as well as to the Family Court at Amritsar for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 15, 2019
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/Nos