

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

T.A. No. 827 of 2017

DATE OF DECISION :- February 5, 2019

Manpreet Kaur

...Applicant

Versus

Navdeep Singh

...Respondent

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

Present:- Mr. Assem Sharma, Advocate for the applicant.

Ms. Jaideep Kaur, Advocate
for Mr. J.S. Thind, Advocate for the respondent.

By way of filing the present application, applicant Manpreet Kaur, aged about 23 years, wife of Navdeep Singh-respondent, presently residing with her parents at Village Balahri Kalan, District Fatehgarh Sahib seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by her husband Navdeep Singh against her having title 'Navdeep Singh Vs. Manpreet Kaur' pending in the Court of Additional Civil Judge (Sr. Division), Ellanabad, District Sirsa to the Court of competent jurisdiction at Fatehgarh Sahib.

Interalia in the application it is contended that the marriage between the parties, which was solemnized on 18.2.2015 ran into rough weather on account of cruel treatment given to her by the respondent and his

family members. She was forced to leave the matrimonial home. She had no other place except to go to her parental place. She does not have any source of income and she has filed two cases against the respondent in the Courts at Fatehgarh Sahib. It is difficult for her to travel from Fatehgarh Sahib to Ellanabad, District Sirsa covering a distance of about 200 kms so as to attend the dates of hearing there and parents of the applicant are suffering from various ailments, as such the application be accepted.

Notice of the application was given to the respondent, who put in appearance through counsel. The application is being resisted by the respondent stating that there is no merit therein and it should be dismissed.

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

I find that as observed by the Apex Court time and again in various judgments in cases involving matrimonial disputes between the spouses, the convenience of the wife is to be taken into consideration. Further more, 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 The petition in question is ordered to be withdrawn from the Court of Additional Civil Judge (Sr. Division), Ellanabad, District Sirsa and transferred to the Court of District Judge, Fatehgarh Sahib for disposal in accordance with law. Learned District Judge, Fatehgarh Sahib may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 7.3.2019. Copies of orders be sent to the Court of Additional Civil Judge (Sr. Division), Ellanabad, District Sirsa as well as to the Court of District Judge, Fatehgarh Sahib for information and necessary compliance.

(H.S. MADAAN)
JUDGE

February 05, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No