

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

TA-465-2018 (O&M)
Date of decision: 27.08.2019

Navneet Kaur

...Applicant

Versus

Kulwant Singh

...Respondent

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

Present: Mr. Gulzar Mohd., Advocate for the applicant.

Mr. Aakash Singla, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Navneet Kaur, aged about 42 years, estranged wife of respondent Kulwant Singh, presently residing with her parents at Village Kot Gangu Rai, Tehsil & District Ludhiana, on account of strained relations between the spouses, by way of filing the present application, seeks transfer of petition under Section 9 of the Hindu Marriage Act, filed by her husband, the respondent against her having title 'Kulwant Singh Vs. Navneet Kaur' pending in the Court of District Judge, Family Court, Moga to the Court of competent jurisdiction at Ludhiana.

As per version of the applicant, the marriage solemnized between the parties on 08.08.2008 did not work. It was a second marriage for both the spouses. The marriage was consummated, however, they were not blessed with any child. Differences cropped up between the spouses, resultantly, the applicant had to leave the matrimonial home and

started residing with her parents; that she is working as a Government teacher, presently posted at Bhaini Sahib. The respondent is also a Govt., teacher. She has filed a petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 against the respondent in Court at Ludhiana. She is suffering from a spinal disease and is unable to travel a long distance from her parental place to Moga, which is more than 90 kms therefrom. She requires an attendant. Supporting documents in that regard have been attached. 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 Ray** Versus **Ravibhai Govindbhai Ray**, 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, Moga and transferred to Family Court at Ludhiana for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 01.10.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

27.08.2019

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(H.S. MADAAN)
JUDGE

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