

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TANo. 56 of 2018 (O&M)

Date of decision : 4.10.2019

Aneet Inder Kaur

...

.....Applicant

vs.

Damandeep Singh @ Rajan

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. P.S. Thiara, Advocate for the applicant.

Mr. Veneet Sharma, Advocate for the respondent.

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H. S. Madaan, J. (Oral)

Applicant – Aneet Inder Kaur, aged about 38 years, estranged wife of Damandeep Singh @ Rajan, presently residing with her parents at Hoshiarpur, on account of matrimonial discord between the parties, has filed the instant application under Section 24 CPC, seeking transfer of divorce petition, filed by her husband, who is respondent in the present application, against her, having title 'Damandeep Singh @ Rajan vs. Aneet Inder Kaur' pending in the Court of District Judge, Family Court, Amritsar, to a Court of competent jurisdiction at Hoshiarpur.

According to the applicant, the marriage solemnized between the parties ran into rough weather, though the couple was blessed with a minor son namely, Danishveer Singh, aged about 10

years at the time of filing of application. On account of maltreatment and harassment meted out to the applicant by the respondent, she alongwith minor son of the parties had to leave the matrimonial home and start residing with her parents at Hoshiarpur. The applicant does not have any source of income. She alongwith her son are dependent upon her parents for their financial requirements. The respondent has filed a divorce petition against the applicant in the Court at Amritsar to cause inconvenience and harassment to her. Under the circumstances, it is difficult for the applicant to go from Hoshiarpur to Amritsar, to attend the dates of hearing in Court at Amritsar, covering a distance of about 120 kms on one side. Therefore the application be accepted.

On getting notice, respondent appeared and filed written reply, vehemently contesting the application contending that the respondent is a patient of depression.

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

Learned counsel for the applicant has referred to judgment *Archana Singh vs. Alok Pratap Singh 2000 (1) HLR 319*, by the Apex Court, wherein dealing with an application for transfer of divorce petition from Thane, Maharashtra to Varanasi, Patna, where the wife was residing with her parents, it was observed that payment of traveling expenses to wife is not a substitute for difficulties which she will have to undertake leaving her small child.

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, I find that ends of justice demand that the application be allowed.

Accordingly, the application is accepted. The petition in question pending in the court of District Judge, Family court,

Amritsar, is withdrawn from that Court and transferred to the Family Court, Hoshiarpur, for disposal in accordance with law. Parties through counsel are directed to appear there on 29.10.2019.

Copies of the order be sent to the Courts concerned, for information and necessary compliance.

4.10.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No