

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

T.A. No. 563 of 2018

DATE OF DECISION :- May 06, 2019

Gurjeet Kaur

...Applicant

Versus

Dilbag Singh

...Respondent

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

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

Applicant Gurjeet Kaur, aged about 34 years, wife of Dilbag Singh-respondent, presently residing with her parents at Jagadhri, District Yamuna Nagar on account of differences between the spouses, by way of filing the instant application seeks transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband Dilbag Singh against her having title 'Dilbag Singh Vs. Gurjeet Kaur' pending in the Court of Additional Civil Judge (Sr. Divn.), Khadoor Sahib, District Tarn Taran to the Court of competent jurisdiction at District Yamuna Nagar at Jagadhari.

According to the applicant, she was married with the respondent on 13.12.2008 and thereafter the couple started residing together. The applicant gave birth to two children from the loins of respondent i.e. a daughter named Rehmatdeep Kaur and a son named Jeewanjot Singh on 14.12.2010 and 6.11.2011 respectively. However, differences arose between the spouses on account of harassment and maltreatment of applicant by the respondent on account of demand of dowry. Ultimately, the applicant was turned out of the matrimonial home and

she started residing with her parents. She does not have any source of income. She has filed petition under Section 125 Cr.P.C. claiming maintenance from the respondent in the Court at Yamuna Nagar at Jagadhari. The respondent has filed petition in question against the applicant as a pressure tactic. The applicant submits that it is difficult for her to go from her parental place to Khadoor Sahib travelling a distance of nearly 400 kms to attend the dates of hearing in the Court at Khadoor Sahib, therefore, the application be accepted.

Notice of the application was given to the respondent who was served and put in appearance through his counsel. Subsequently the matter was referred to mediation which did not proved to be successful. Later on the respondent stopped appearing in the Court.

I have heard learned counsel for the applicant 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 Additional Civil Judge (Sr. Divn.), Khadoor Sahib, District Tarn Taran and transferred to Family Court at Yamuna Nagar at Jagadhari for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 30.5.2019. Copies of orders be sent to the Court of Additional Civil Judge (Sr. Divn.), Khadoor Sahib, District Tarn Taran as well as to the Family Court at Yamunanagar at Jagadhari for information and necessary compliance.

(H.S. MADAAN)
JUDGE

May 06, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No