

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

TA-579-2018 (O&M)

Date of decision: 28.08.2019

Dr. Navneet Kaur

...Applicant

Versus

Dr. Gaganpreet Singh

...Respondent

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

Present: Mr. Ramandeep Singh, Advocate for
Mr. F.S. Virk, Advocate for the applicant.

Mr. R. Kartikeya, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

As per report received from the mediation centre, mediation has failed. Let the case proceed on merits.

Applicant Dr. Navneet Kaur, aged about 31 years, estranged wife of respondent Dr. Gaganpreet Singh, presently residing with her parents at Khanna, District Ludhiana, on account of matrimonial discord between the spouses, by way of filing the present application, seeks transfer of divorce petition, filed by her husband, the respondent against her having title 'Dr. Gaganpreet Singh Vs. Dr. Navneet Kaur' pending in the Court of Addl. District Judge, Hoshiarpur to the Court of competent jurisdiction at Ludhiana.

As per version of the applicant, she was married with the respondent on 07.11.2015 at Khanna. The marriage was culmination of a love affair. After the marriage, the spouses started residing together.

However, cracks started appearing in their matrimonial life. The couple was blessed with a daughter, namely, Baby Anayat Singh Bodal on 06.12.2016. Due to harassment and maltreatment meted out to the applicant at the hands of respondent and his family members, she was forced to leave the matrimonial home and started residing with her parents at Khanna, District Ludhiana. Minor daughter of the parties is also in her custody. She has filed a petition under Section 9 of the Hindu Marriage Act against the respondent for restitution of conjugal rites in Court at Ludhiana. The respondent has filed the petition in question against the applicant just to harass her. It is difficult for her to travel from her parental place to Hoshiarpur, to attend the dates of hearing in the Court there, more particularly, when her parents are old and ailing and she has to take care of minor daughter of the parties. Therefore, the present application be accepted.

Notice of the application was given to the respondent who put in appearance through counsel, filed written reply 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 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 Addl. District Judge, Hoshiarpur 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 03.10.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

To address the apprehension of the respondent with regard to his safety, Commissioner of Police/SSP, Ludhiana are directed to ensure that no physical harm is caused to the respondent or any person accompanying him to Ludhiana in connection with the dates of hearing in the Court there.

28.08.2019

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(H.S. MADAAN)
JUDGE

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