

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

TA-599-2018 (O&M)

Date of decision: 27.09.2019

Pooja Kansra

...Applicant

Versus

Nikhil Aggarwal

...Respondent

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

Present: Mr. Vivek Salathia, Advocate for the applicant.

Mr. Amit Dhawan, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Pooja Kansra, aged about 34 years, estranged wife of respondent Nikhil Aggarwal, presently residing with her parents at Ajnala, District Amritsar, 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 'Nikhil Aggarwal Vs. Pooja Kansra' pending in the Court of Addl. District Judge, Jalandhar to the Court of competent jurisdiction at Amritsar.

According to the applicant, the marriage solemnized between the parties on 06.05.2017 did not work, though, the couple was blessed with a male child, namely, Master Vihant Aggarwal on 22.03.2018. On account of differences between the parties, they are residing separately. The applicant is taking care of minor son of the

parties. 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 Jalandhar, to attend the dates of hearing in the Court there. 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.

Learned counsel for the applicant has reiterated the assertions made by the applicant in the application while craving for acceptance of the application. Whereas, learned counsel for the respondent submitted that the applicant is working in Lovely Institute near Jalandhar and is residing there. As such, it is convenient for her also if the divorce petition is tried by Court at Jalandhar. In response to such contention, learned counsel for the applicant has contended that though the applicant is employed with Lovely Institute, Jalandhar but since her son is residing with her parents and she commutes from her work place to her parental place at Ajnala daily.

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, Jalandhar and transferred to Family Court at Amritsar for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 29.10.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

27.09.2019

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(H.S. MADAAN)
JUDGE

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