

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

T.A. No. 603 of 2018

DATE OF DECISION :- January 16, 2019

Rajwinder Kaur

...Applicant

Versus

Satwant Singh

...Respondent

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

Present:- Mr. A.S. Ahluwalia, Advocate for the applicant.

Mr. H.S. Jalal, Advocate for the respondent.

This is an application for transfer of petition under Section 9 of the Hindu Marriage Act, 1955 as well as petition under Section 25 of the Guardian & Wards Act, presently pending in the Court of Civil Judge (Sr. Divn.), Bathinda to the Court of competent jurisdiction at Ludhiana filed by applicant Rajwinder Kaur, aged about 28 years, estranged wife of Satwant Singh-respondent.

According to the applicant, she is a bank employee, posted at Ludhiana. She is taking care of minor daughter of the parties aged about 4½ years. It is difficult for her to travel from Ludhiana to Bathinda covering a distance of about 150 kms on one side to attend the dates of hearing there, therefore, the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel. The application is being opposed vehemently contending that the parental place of the applicant is at Malaut where the child is residing with the parents of the applicant and the applicant can very well appear in the Court at Bathinda to attend the dates of hearing, therefore, the application for transfer of cases be dismissed.

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

I find that in view of the assertions in the application and submissions made in that regard by the counsel considering the fact that the applicant is a young woman, who is in employment and taking care of minor daughter of the parties though stated to be residing with her parents, it would be difficult for her to travel from Ludhiana to Bathinda to attend the dates of hearing of cases pending in the Courts there. Even the Apex Court observed that in case of matrimonial dispute, the convenience of the wife is to be taken into consideration.

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 The petitions in question are ordered to be withdrawn from the Court of Civil Judge (Sr. Division), Bathinda and transferred to the Court of Civil Judge (Sr. Division), Ludhiana for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 12.2.2019. Copies of orders be sent to the Court of Civil

Judge (Sr. Division), Bathinda as well as to the Court of Civil Judge (Sr. Division), Ludhiana for information and necessary compliance.

(H.S. MADAAN)
JUDGE

January 16, 2019
p.singh

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