

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

TA-627-2018 (O&M)
Date of decision: 02.09.2019

Baljeet Kaur

...Applicant

Versus

Hardev Singh

...Respondent

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

Present: Mr. J.S. Thind, Advocate for the applicant.

Mr. Rakesh Gupta, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Baljeet Kaur, aged about 30 years, estranged wife of respondent Hardev Singh, presently residing with her parents at Fatehabad, 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 'Hardev Singh Vs. Baljeet Kaur' pending in the Court of District Judge, Patiala to the Court of competent jurisdiction at Fatehabad.

As per version of the applicant, the marriage solemnized between the spouses on 25.03.2007 at Fatehabad ran into rough weather. The couple was not blessed with any child. However, they had adopted a baby boy, namely, Master Gurkirat, presently aged a little more than 02 years. On account of harassment and maltreatment meted out to the applicant at the hands of respondent, she was forced to

leave the matrimonial home and started residing with her parents at Fatehabad. According to the applicant, the respondent has been given to bad vices of drinking and gambling and used to spend away the entire money to meet those bad habits. He used to bring unknown persons at home and drink with them. The applicant does not have any source of income. She is to look after minor adopted son of the parties. She has filed a petition under Section 9 of the Hindu Marriage Act against the respondent in Court at Fatehabad. 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 Patiala, 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.

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 Ray, 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 District Judge, Patiala and transferred to the Court of learned District Judge, Fatehabad for disposal in

accordance with law. Learned District Judge, Fatehabad may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through counsel are directed to appear in the transferee Court on 04.10.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

02.09.2019
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(H.S. MADAAN)
JUDGE

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