

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 769 of 2018 (O&M)

Date of decision : 19.3.2019

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Priya

.....Applicant

vs.

Ranjit Singh

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Arun Singla, Advocate for the applicant.

Mr. Ramesh Sharma, Advocate for the respondent.

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H. S. Madaan, J. (Oral)

By way of filing the present application, applicant – Priya, aged about 26 years, estranged wife of Ranjit Singh, presently residing with her parents at village Nasrula, Tehsil and District Hoshiarpur, on account of matrimonial discord between the spouses, seeks transfer of divorce petition, filed by her husband, who is respondent in the present application, against her, having title 'Ranjit Singh vs. Priya' pending in the Court of Additional District Judge -X, Amritsar, to a Court of competent jurisdiction at Hoshiarpur.

As per averments in the application, the marriage was solemnized between the parties on 18.3.2015 at Hoshiarpur.

Thereafter, they started residing together. The respondent was a divorcee, having a daughter from her earlier marriage. The couple was blessed with a male child, namely, Ranvir Singh. Unfortunately, after the marriage, the applicant was treated with cruelty by the respondent. As a result, she alongwith minor son of the parties had to leave the matrimonial home and start residing with her widowed mother at Hoshiarpur. The applicant does not have any source of income. She has filed an application under Section 125 Cr.P.C. against the respondent in the Court at Hoshiarpur. The respondent has filed the petition in question against the applicant as a pressure tactic. The applicant being a young woman, taking care of minor son of the parties, having no source of income it is difficult for her to travel from Hoshiarpur to Amritsar, by covering a distance of 110 kms on one side to attend the dates of hearing in the court there. Therefore the application be accepted.

Notice of the application was given to the respondent, who has appeared through counsel.

The application is being contested vehemently, contending that the respondent is suffering from various ailments, as is evident from copies of medical documents placed on record, as such it is difficult for him to undertake travelling. Therefore, the application be dismissed.

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

Though as per copies of medical documents placed on record by the respondent, he is shown to be suffering from few diseases like

diabetes and blood-pressure etc. But those are such type of ailments from which many people suffer nowadays and with diet control and change in lifestyle, those can be brought under control and one can lead a normal life, by taking medicines, doing exercise and with changed lifestyle.

The reasons given by the applicant for transfer tilt the scale in her favour, making out a case for transfer of the petition.

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.

In view of the law laid down, keeping in view the contentions in the application and submissions made by learned counsel for the applicant, I find that ends of justice demand that the application be allowed.

Accordingly, the application is accepted. The petition in question pending in the court of Additional District Judge -X, Amritsar, is withdrawn from that Court and transferred to the Family Court at Hoshiarpur, for disposal in accordance with law. Parties through counsel are directed to appear there on 23.4.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

19.3.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes/ No

Whether reportable Yes/ No