

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

TA-772-2018 (O&M)

Date of decision: 02.04.2019

Kulwinder Kaur

...Applicant

Versus

Sukhjit Pal Singh

...Respondent

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

Present: Mr. Sunil K. Sahore, Advocate for the applicant.

Mr. Nimanyu Gautam, Advocate for the respondent.

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**H.S. MADAAN, J. (Oral)**

This application for transfer of divorce petition titled 'Sukhjit Pal Singh Vs. Kulwinder Kaur ' pending in the Court of Addl. District Judge, Jalandhar to the Court of competent jurisdiction at Hoshiarpur, has been filed by applicant Kulwinder Kaur, aged about 42 years, wife of respondent Sukhjit Pal Singh, presently residing with her parents at VPO Nangal Shaheedan, Tehsil & District Hoshiarpur, on account of matrimonial discord between the spouses.

According to the applicant, the marriage solemnized between the parties in the year 2004 did not work, though, the couple was blessed with two children i.e. a son namely, Amritpal Singh, aged about 14 years and a daughter, namely, Arshdeep Kaur, aged about 12 years; that the applicant is working as a school teacher, presently posted at Village Bohan, District Hoshiarpur; that earlier, the respondent was residing with

the applicant at Hoshiarpur but in the month of October 2017, he left company of the applicant and the children and started residing with his father at Jalandhar; that minor son of the parties namely Amritpal Singh is suffering from Asthma and is taking medical treatment. The applicant is not able to maintain the children properly and the respondent has neglected and refused to do so. That a petition under Section 125 Cr.P.C., has been filed by the minor children against the respondent which is pending in Court at Hoshiarpur; that to deny maintenance to the minor children and to harass the applicant, the respondent has filed a divorce petition against the applicant in Court at Jalandhar. The applicant being in service, taking care of two minor children of the parties, it is difficult for her to travel from Hoshiarpur to Jalandhar, to attend the dates of hearing in the Court there, covering a distance of about 70 kms on one side. She is having financial constraints also. Therefore, the present application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel. Application is being opposed vehemently by counsel for the respondent and prayed 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, Jalandhar and transferred to Family Court at Hoshiarpur for disposal in accordance with law.

The parties through counsel are directed to appear in the

transferee Court on 30.04.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

Since counsel for the respondent has expressed an apprehension of physical harm to the respondent, if he is asked to go to Hoshiarpur in connection with the dates of hearing, it is directed that on respondent moving appropriate application before SSP, Hoshiarpur, SSP Hoshiarpur shall take necessary measures to ensure that no physical harm is caused to the respondent when he comes to Hoshiarpur to attend the dates of hearing.

02.04.2019

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**(H.S. MADAAN)**  
**JUDGE**

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