

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

TA-773-2018 (O&M)
Date of decision: 26.03.2019

Bharti Verma

...Applicant

Versus

Harpreet Singh

...Respondent

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

Present: Applicant with counsel Mr. V.K. Gupta.

Respondent with counsel Mr. H.S. Minhas.

H.S. MADAAN, J. (Oral)

Efforts for amicable settlement made but those have not proved fruitful. Let the case proceeds further on merits.

By way of moving the present application, applicant Bharti Verma, aged about 27 years, estranged wife of respondent Harpreet Singh, presently residing with her parents at Kaithal, on account of a matrimonial discord between the parties, seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955, filed by her husband, the respondent against her having title 'Harpreet Singh Vs. Bharti Verma' pending in the Court of SDJM, Derabassi to the Court of competent jurisdiction at Kaithal.

According to the applicant, the marriage between the parties which was solemnized on 11.03.2016 at Zirakpur ran into rough weather on account of maltreatment meted out to the applicant by the respondent

and his mother. The couple was not blessed with any child. The applicant had to leave the matrimonial home and start residing with her parents at Kaithal. The respondent has filed a petition under Section 9 of the Hindu Marriage Act against the applicant as a pressure tactics. During the pendency of the petition, respondent offered to settle the matter. A compromise was effected. The respondent gave an affidavit and a cheque, however, the respondent did not withdraw the petition under Section 9 of the Hindu Marriage Act and defence of the applicant was struck off on 07.08.2018 at Derabassi. The cheque given to the applicant by the respondent was presented by her but it was dishonoured. The applicant seeks transfer of the case for the reason that she has lodged an FIR against the respondent which is pending investigation at Kaithal; that she has filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the respondent, which is pending in the Court of JMIC, Kaithal. The applicant does not have any source of income and is dependent upon her parents. That it would be difficult for her to travel from Kaithal to Derabssi, to attend the dates of hearing in Court there, covering a distance of 110 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent who has appeared and the application is being opposed vehemently. Prayer for dismissal of the application has been made.

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 SDJM, Derabssi and transferred to the Court of learned District Judge, Kaithal for disposal in accordance with law. Learned District Judge, Kaithal may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 25.04.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

26.03.2019

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(H.S. MADAAN)
JUDGE

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