

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

TA-813-2018 (O&M)

Date of decision: 29.05.2019

Mandeep Kaur

...Applicant

Versus

Gurpartap Singh

...Respondent

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

Present: Mr. Davinder Lubana, Advocate for the applicant.

None for the respondent.

H.S. MADAAN, J. (Oral)

As per report received from the mediation centre, mediation has failed. In terms of that very report, respondent/husband refused to pay an amount of Rs.10,000/- to the applicant/wife as directed by this Court. Under the circumstances, his defence is not to be looked into.

This is an application moved by applicant/wife Mandeep Kaur seeking transfer of divorce petition filed by her husband Gurpartap Singh against her having title 'Gurpartap Singh Vs. Mandeep Kaur' pending in the Court of Addl. District Judge, Patiala to the Court of competent jurisdiction at Amritsar.

According to the applicant, after the marriage was solemnized between the parties on 03.04.2015 at Raj Farm Palace, Village Mehata, District Amritsar, they started residing together but not blessed with any child. Soon after the marriage, she was harassed and maltreated by the respondent and his family members on account of demand of dowry. She

was forced to leave the matrimonial home. She had no other place to go except the house of her parents at Village Arjun Manga, Tehsil Baba Bakala, District Amritsar. She has filed a petition under Protection of Women from Domestic Violence Act, 2005 against the respondent which is pending before SDJM, Baba Bakala, District Amritsar. However, on account of the fact that the respondent is employed as an Assistant Sub Inspector in the Punjab Police and his father is also serving there, the local police is not taking any action against the respondent. The respondent has filed the petition in question against her as a pressure tactic. According to the applicant, she being a young woman, having no source of income, it is difficult for her to travel from her parental place to Patiala to attend the dates of hearing in the Court there, covering a distance of about 240 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent, who had put in appearance. The matter was referred to mediation. Respondent was directed to pay a sum of Rs.10,000/- to the applicant to meet her travelling/miscellaneous expenses but as per report received from the mediation centre, he has not complied with the directions of this Court. Even, otherwise, there is no representation on behalf of the respondent.

I have heard learned counsel for the applicant 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 Ray** 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 Addl. District Judge, Patiala and transferred to Family Court at Amritsar for disposal in accordance with law.

The parties through their counsel are directed to appear in the

transferee Court on 24.07.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

29.05.2019

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(H.S. MADAAN)
JUDGE

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