

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

TA-819-2018 (O&M)

Date of decision: 03.05.2019

Karamjit Kaur @ Khushpreet Kaur

...Applicant

Versus

Gurjeet Singh

...Respondent

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

Present: Mr. A.S. Brar, Advocate for the applicant.

Mr. Rajinder Mathur, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

According to the case of applicant Karamjit Kaur @ Khushpreet Kaur, since differences arose between her and her husband Gurjeet Singh, she had to leave the matrimonial home and start residing with her parents at Moga. She is looking after minor son of the parties, aged about 05 years. Her husband has filed a petition under Section 9 of the Hindu Marriage Act against her in Court at Faridkot. Under the circumstances, it is difficult for her to travel from Moga to Faridkot, to attend the dates of hearing in the Court there, covering a distance of about 60 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent, who put in appearance through counsel and has filed written reply, contesting the application vehemently and 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 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 District Judge, Family Court, Faridkot and transferred to Family Court at Moga for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 30.05.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

03.05.2019

sumit.k

(H.S. MADAAN)
JUDGE

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