

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

TA-859-2018 (O&M)

Date of decision: 02.05.2019

Loveleen Rana

...Applicant

Versus

Gagandeep

...Respondent

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

Present: Mr. K.S. Mamrat, Advocate for the applicant.

Mr. P.L. Singla, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

This application for transfer of divorce petition titled 'Gagandeep Vs. Loveleen Rana' pending in the Court of Addl. District Judge-I, Jalandhar to the Court of competent jurisdiction at Chandigarh or Mohali, has been filed by applicant Loveleen Rana, aged about 29 years, estranged wife of respondent Gagandeep, presently residing with her parents at Solan, Himachal Pradesh, on account of a matrimonial discord between the spouses.

According to the applicant, the marriage solemnized between the parties on 24.01.2015 ran into rough weather, though, the couple was blessed with a son, namely, Master Tejas, on account of maltreatment and harassment meted out to the applicant by the respondent and his family members. She had to leave the matrimonial home and start residing with her parents at Solan. She has lodged an FIR No.101 dated 01.07.2015 for

offences under Sections 498-A, 120-B, 504, 506 and 34 of IPC against the respondent at Police Station Sadar, Solan. As a counter blast, the respondent had earlier filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights and on an application for transfer, having been filed by the present applicant, the proceedings in that petition had been stayed. Now, the respondent has filed the divorce petition in question against the applicant. The applicant submits that she has filed a petition under Section 125 Cr.P.C. against the respondent in Court at Solan; that she is unemployed, having no source of income and she and minor son of the parties are dependent upon father of the applicant for their financial needs. It is difficult for her to travel from Solan to Jalandhar, to attend the dates of hearing in the Court there, covering a distance of about 280 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 is vehemently opposing the application.

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-I and transferred to the Court of learned District Judge, Chandigarh for disposal in accordance with law. Learned District Judge, Chandigarh 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 29.05.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

02.05.2019

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(H.S. MADAAN)
JUDGE

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