

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

TA-903-2018 (O&M)
Date of decision: 21.05.2019

Jasbir Kaur

...Applicant

Versus

Lakha Singh

...Respondent

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

Present: Ms. Navreet Dhaliwal, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

As per case of applicant Jasbir Kaur, aged about 25 years, on account of differences with her husband Lakha Singh-respondent, she is residing separately from him. She is taking care of minor son of the parties, namely, Arshdeep Singh, aged about 07 years. She has filed a petition under Section 125 Cr.P.C. for maintenance of herself and minor son of the parties in the Court of C.J.M, Mansa. As a counter blast, the respondent has filed a petition under Section 9 of the Hindu Marriage Act against her in the Court of Addl. Civil Judge (Sr. Divn.) Talwandi Sabo. The applicant does not have any source of income. She is a rustic village lady and is unable to attend the proceedings in Court at Talwandi Sabo, which is at a distance of about 51 kms from her parental place. Therefore, the present application be accepted.

Notice of the application was given to the respondent who was duly served but did not appear to offer a contest.

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. Civil Judge (Sr. Divn.) Talwandi Sabo and transferred to the Court of learned District Judge, Mansa for disposal in accordance with law. Learned District Judge, Mansa may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties are directed to appear in the transferee Court on 22.07.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

21.05.2019

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(H.S. MADAAN)
JUDGE

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