

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

T.A. No. 942 of 2018

DATE OF DECISION :- October 18, 2019

Nidhi Bala

...Applicant

Versus

Gaurav Mehta

...Respondent

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

Present:- Ms. Gurjinder Kaur, Advocate
for Mr. M.K. Dhot, Advocate for the applicant.

Mr. Jaspreet Saini, Advocate for the respondent.

Applicant Nidhi Bala, aged about 30 years, wife of Gaurav Mehta-respondent, presently residing with her parents at Ferozepur, on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Section 25 of Guardians and Wards Act filed by her husband Gaurav Mehta against her having title 'Gaurav Mehta Vs. Nidhi Bala' pending in the Court of Guardian Judge, Ludhiana to the Court of competent jurisdiction at Ferozepur.

According to the applicant, the marriage performed between the parties on 26.11.2015 ran into rough weather. She is taking care of minor daughter of the parties aged about little more than one year. The applicant does not have any source of income. It is difficult for her to travel from her parental place to Ludhiana covering a distance of about 135 kms so as to attend the dates of hearing in the Court there, therefore, the application be

accepted.

Notice of the application was given to the respondent, has put in appearance through counsel 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 PCS, Guardian Judge, Ludhiana and transferred to District Judge, Ferozepur for disposal in accordance with law. Learned District Judge, Ferozepur 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 18.11.2019. Copies of orders be sent to the Court of PCS, Guardian Judge, Ludhiana as well as to the District Judge, Ferozepur for information and necessary compliance.

(H.S. MADAAN)
JUDGE

October 18, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No