

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

**T.A. No. 949 of 2018**

**DATE OF DECISION :- March 18, 2019**

**Poonam Gupta**

**...Applicant**

**Versus**

**Sunil Goyal**

**...Respondent**

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

**Present:-** Mr. Piyush Aggarwal, Advocate for the applicant.

Mr. Atul Gaur, Advocate for Mr. Sumeet Goel, Advocate  
for the respondent.

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Applicant Poonam Gupta, aged about 38 years, estranged wife of Sunil Goyal-respondent, presently residing with her parents at Patiala on account of matrimonial discord between the spouses by way of filing the instant application seeks transfer of petition under Sections 13(1) (ia) of the Hindu Marriage Act filed by her husband Sunil Goyal against her having title 'Sunil Goyal Vs. Poonam Gupta' pending in the Court of District Judge, S.A.S. Nagar, Mohali to the Court of District Judge, Patiala.

According to the applicant, the marriage was performed between the parties on 28.8.2017. Thereafter the spouses started residing together. They were not blessed with any child. The differences arose between the spouses and she had to leave the matrimonial home and start residing with her mother at her parental place. The applicant is not having any source of income and is dependent upon pension of her deceased father. Her mother is suffering from chronic disease. Under the circumstances, it is difficult for her to travel from Pataiala to Mohali to attend the dates of hearing in the Court there, therefore,

the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel. The application is being contested vehemently praying for dismissal of the same.

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 must 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 District Judge, S.A.S. Nagar, Mohali and transferred to Family Court at Patiala for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 29.4.2019. Copies of orders be sent to the Court of District Judge, S.A.S. Nagar, Mohali as well as to the Family Court at Patiala for information and necessary compliance.

**(H.S. MADAAN)**  
**JUDGE**

**March 18, 2019**

*p.singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No