

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

TA-960-2018

Date of decision:-3.7.2019

Sarbjit Kaur

...Applicant

Versus

Narinder Singh @ Neetu

...Respondent

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

Present : Mr.PKS Phoolka, Advocate
for the applicant.

Mr.Deepak Aggarwal, Advocate
for the respondent.

H.S. MADAAN, J.(ORAL)

By way of filing the present application, the applicant – Smt.Sarbjit Kaur, aged about 23 years estranged wife of respondent – Narinder Singh @ Neetu presently residing with her parents at Bathinda on account of matrimonial discord between the spouses, seeks transfer of divorce petition filed by her husband the respondent against her having title 'Narinder Singh Versus Sarbjit Kaur' pending before Additional District & Sessions Judge – 5, Patiala to any other Court of competent jurisdiction at Bathinda.

According to the applicant, the marriage solemnized between the parties on 20.11.2016 did not work; the couple was not

blessed with any child; that the applicant had to leave the matrimonial home on account of harassment and cruelty meted out to her for the reason of demand of dowry raised by respondent; that she had no other place to go except the house of her parents at Bathinda; that the applicant does not have any source of income and it is difficult for her to travel from her parental place at Bathinda to Patiala covering a distance of about 160 kms. on one side to attend the dates of hearing in the Court there. Therefore, the application be accepted.

Notice of the application was given to respondent, who put in appearance and vehemently opposed the request for transfer of the petition praying for dismissal of 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.

Therefore, the application stands allowed and the divorce petition pending in the Court of Additional District & Sessions Judge – 5, Patiala is ordered to be transferred to the District Judge, Family Court, Bathinda. The parties are directed to appear before District Judge, Family Court, Bathinda on 2.8.2019.

Copy of this order be sent to Additional District & Sessions Judge – 5, Patiala as well as District Judge, Family Court, Bathinda for information and necessary compliance.

3.7.2019
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No