

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

TA-961-2018 (O&M)

Date of decision: 03.05.2019

Dr. Nisha Bhagat

...Applicant

Versus

Dr. Munish Sagar

...Respondent

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

Present: Ms. R.P. Kaur, Advocate for the applicant.

Ms. Simmy, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

As per version of the applicant Dr. Nisha Bhagat, estranged wife of respondent Dr. Munish Sagar, after being driven out of the matrimonial home, she had to fall back upon her parents residing at Amritsar. She is taking care of minor son of the parties, namely, Arnav Sagar, born on 16.10.2008. Her husband has filed the divorce petition against her as a pressure tactic. The applicant having financial constraints and looking after minor son of the parties, it is difficult for her to travel from Amritsar to Jalandhar, to attend the dates of hearing in the Court there, covering a distance of about 85 kms on one side. Four cases between the parties are already pending in Courts at Amritsar. Therefore, the present application be accepted and divorce petition be transferred to Court of competent jurisdiction at Amritsar.

Notice of the application was given to the respondent, who

put in appearance through counsel, contesting the application vehemently and praying for its dismissal.

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 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 District Judge, Jalandhar and transferred to Family Court at Amritsar for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 30.05.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

03.05.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No