

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

TA-969-2018

Date of decision:-4.7.2019

Sukhpreet Kaur

...Applicant

Versus

Navdeep Singh

...Respondent

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

Present : Mr.Ramnish Puri, Advocate
for the applicant.

Mr.Dilpreet Singh Gandhi, Advocate
for the respondent.

H.S. MADAAN, J.(ORAL)

By way of filing the present application, the applicant – Smt.Sukhpreet Kaur, aged about 27 years estranged wife of respondent – Navdeep Singh presently residing with her parents at Amritsar on account of matrimonial discord between the spouses, seeks transfer of divorce petition filed by her husband the respondent against her having title 'Navdeep Singh Versus Sukhpreet Kaur' pending before Additional District Judge, Yamuna Nagar at Jagadhri to any other Court of competent jurisdiction at Amritsar.

According to the applicant, the marriage solemnized between the parties on 9.12.2012 at Amritsar ran into rough weather on account of demands of dowry by respondent since the applicant could not fulfil the said demands and was thrown out of the matrimonial home; that the couple was not blessed with any child; that she had no other place to go except the house of her parents at Amritsar; that the applicant does not have any source of income and she is depending upon her parents for her financial requirements; that she has filed a petition under Section 125 Cr.P.C. against the respondent seeking maintenance in the Court at Amritsar and she has also lodged an FIR under Sections 406 and 498-A IPC against the respondent. Under the circumstances, it is difficult for her to travel from her parental place at Amritsar to Yamuna Nagar at Jagadhri covering a distance of about 300 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, filed written reply 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 Judge, Yamuna Nagar at Jagadhri is ordered to be transferred to the Court of District Judge, Family Court, Amritsar. The parties are directed to appear before District Judge, Family Court, Amritsar on 5.8.2019.

Copy of this order be sent to Additional District Judge, Yamuna Nagar at Jagadhri as well as District Judge, Family Court,

Amritsar for information and necessary compliance.

4.7.2019
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No