

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

TA-1952-2018 (O&M)
Date of decision: 05.07.2019

Jagmohan Kaur

...Applicant

Versus

Gurpreet Singh

...Respondent

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

Present: Mr. Munish Mittal, Advocate for the applicant.

Mr. Harish Bhardwaj, Advocate for
Mr. Abhinav Kalia, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

By way of moving the present application, applicant Jagmohan Kaur, aged about 33 years, estranged wife of respondent Gurpreet Singh, presently residing with her parents at Village Mandhar, Tehsil Jagadhari, District Yamuna Nagar, on account of differences between the spouses, seeks transfer of divorce petition filed by her husband, the respondent against her having title 'Gurpreet Singh Vs. Jagmohan Kaur' pending in the Court of District Judge, Ambala to the Court of competent jurisdiction at Yamuna Nagar at Jagadhri.

According to the applicant, she is not having any source of income and is dependent upon her parents for meeting her financial needs; that she has lodged an FIR against the respondent for offence under Sections 354, 406, 498-A and 506 IPC and he is facing trial in the said case; that she has filed a petition under provisions of Protection of

Women from Domestic Violence Act, 2005 against him. Both the cases are pending in Courts at Yamuna Nagar at Jagadhri. Under the circumstances, it is difficult for her to travel from her parental place to Ambala to attend the dates of hearing in the Court there, covering a distance of about 60 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent who put in appearance through counsel and is 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 Ray** 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, Ambala and transferred to Family Court at Yamuna Nagar at Jagadhri for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 06.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

05.07.2019
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No