

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 6972 of 2018 (O&M)

Date of decision : 26.8.2019

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Arpana Puri

.....Applicant

vs.

Tarun Mohan Puri

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Anil Kumar Sharma, Advocate for the applicant.

Mr. Aman Dhir, Advocate for the respondent.

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H. S. Madaan, J. (Oral)

Applicant – Arpana Puri, aged about 40 years, was married with respondent -Tarun Mohan Puri, on 28.8.2001. The marriage was consummated and the couple was blessed with two sons, namely, Master Rishab Puri born on 22.8.2002 and Master Rohit Puri born on 20.9.2008. Master Rishab Puri is studying in Bishop Cotton School, Shimla and Master Rohit Puri is in custody of the respondent. The marriage ran into rough weather with the result, applicant Arpana Puri had to leave the matrimonial home and start residing with her parents at Jalandhar. She has filed a petition seeking custody of minor sons of the parties, titled 'Arpana Puri vs. Tarun Mohan Puri',

which is pending in the Court of Civil Judge (Senior Division), Kapurthala. She seeks transfer of that petition to the Court of competent jurisdiction at Jalandhar.

According to the applicant, she has filed a petition under Section 125 Cr.P.C. for grant of maintenance against the respondent which is pending in the Court of Additional Chief Judicial Magistrate, Jalandhar, where the respondent has appeared and the proceedings are going on. She has also filed a complaint under the Protection of Woman from Domestic Violence Act, 2005, which is pending before Judicial Magistrate Ist Class, Jalandhar, wherein too the respondent has appeared. The respondent has filed a divorce petition against the applicant, in the Court at Kapurthala. According to the applicant, on account of the fact that she is a young woman and not keeping good health, it is difficult for her to travel from Jalandhar to Kapurthala, to attend the dates of hearing in Court there. Furthermore, respondent has been extending threats of physical harm to her. There is no male member in her parental family, to accompany her to attend the dates of hearing at Kapurthala. Therefore the application be accepted.

Notice of the application was given to the respondent, who has appeared and filed written reply, opposing the application vehemently, 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 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, I find that ends of justice demand that the application be allowed.

Accordingly, the application is accepted. The petition in question pending in the court of Civil Judge (Senior Division),

Kapurthala, is withdrawn from that Court and transferred to Family Court, Jalandhar, for disposal in accordance with law. Parties through counsel are directed to appear there on 30.9.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

26.8.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
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Whether reportable	Yes / No
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