

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

TA-6969-2018 (O&M)
Date of decision: 09.04.2019

Rajveer Kaur

...Applicant

Versus

Ranvir Singh Suwan

...Respondent

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

Present: Mr. Deepak Aggarwal, Advocate for the applicant.

Mr. Bhavneet Gaur, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

This application for transfer of petition under Section 9 of the Hindu Marriage Act titled 'Ranvir Singh Vs. Rajveer Kaur' pending in the Court of District Judge, Family Court, SBS Nagar to the Court of competent jurisdiction at Bathinda, has been filed by applicant Rajveer Kaur, aged about 30 years, estranged wife of respondent Ranvir Singh Suwan, presently residing with her parents at Bathinda, on account of matrimonial discord between the parties.

According to the applicant, the marriage solemnized between the parties on 09.11.2014 at Ferozepur did not work, though, the couple was blessed with a male child, namely, Jashanjot Singh, born on 05.11.2016; that the applicant was harassed and maltreated by the respondent and his family members on account of demand of dowry and ultimately, she along with minor son of the parties was thrown out of the

matrimonial home in the month of April 2018. The applicant had no other place to go except the house of her parents at Bathinda; that the applicant has filed a petition under Section 125 Cr.P.C., against the respondent in the Court of JMIC, Bathinda. The applicant had also filed another petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 against the respondent and his family members in a Court at Bathinda, however, the matter was compromised in terms of which, the parties agreed to get their marriage dissolved by a decree of divorce by mutual consent. However, the respondent backed out of that settlement, though, the applicant had withdrawn her petition under Section 12 of Protection of Women from Domestic Violence Act, 2005. Now the respondent has filed the petition in question against the applicant just to harass and pressurize her. The applicant being a young woman, having no source of income, taking care of minor son of the parties, it is difficult for her to travel from her parental place to SBS Nagar, to attend the dates of hearing in the Court there, covering a distance of about 250 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel and filed reply, contesting the application, 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 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, Family Court, SBS Nagar and transferred to Family Court at Bathinda for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 07.05.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

09.04.2019
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(H.S. MADAAN)
JUDGE

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