

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 8989 of 2018 (O&M)

Date of decision : 3.7.2019

...

Reena Kaur

.....Applicant

vs.

Satinder Singh

.....Respondent

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

Present: Mr. L.S. Sidhu, Advocate the applicant.

Mr. P.S. Goraya, Advocate for the respondent.

...

H. S. Madaan, J. (Oral)

Applicant – Reena Kaur, aged about 31 years, estranged wife of Satinder Singh, presently residing with her parents at Goindwal Sahib, Tehsil Khadur Sahib, District Tarn Taran, on account of dispute between the spouses, has filed the instant application under Section 24 CPC, seeking transfer of petition under Section 9 of the Hindu Marriage Act, 1955, filed by her husband, who is respondent in the present application, against her, having title 'Satinder Singh vs. Reena Kaur' pending in the Court of Additional Civil Judge (Senior Division), Baba Bakala Sahib, District Amritsar, to a Court of competent jurisdiction at Khadur Sahib, District Tarn

Taran.

As per version of the applicant, the applicant was married with the respondent on 12.7.2009 and thereafter they started residing together and the couple was blessed with two sons, namely, Sahijdeep Singh and Karanveer Singh, presently, aged about 7 years and 4 years respectively, residing with the applicant. On account of maltreatment and harassment meted out to the applicant by the respondent, she had to leave the matrimonial home and start residing with her parents at Goindwal Sahib, Tehsil Khadur Sahib, District Tarn Taran, alongwith minor sons of the parties. She has filed a petition under Section 125 Cr.P.C. for herself and on behalf of her minor sons against the respondent in the Court at Khadur Sahib. In order to harass and put pressure upon the applicant, the respondent has brought a petition under Section 9 of the Hindu Marriage Act against the applicant. Keeping in view the fact that the applicant does not have any source of income and is required to look after two minor sons of the parties, it is difficult for her to go from her parental place to Baba Bakala Sahib, to attend the dates of hearing in Court there by covering a distance of 35-40 kms on one side. Therefore, the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel, 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 Additional Civil Judge (Senior Division), Baba Bakala Sahib, District Amritsar, is withdrawn from that Court and transferred to the Court of District Judge, Tarn Taran, who may retain the case on his Board or assign it to any other Court of competent jurisdiction for disposal in accordance with law. Parties through counsel are directed to appear there on 2.8.2019.

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

3.7.2019
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
-----------------------------	----------

Whether reportable	Yes / No
--------------------	----------