

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

T.A. No. 8992 of 2018

DATE OF DECISION :- August 14, 2019

Amritpal Kaur

...Applicant

Versus

Harmanjit Singh

...Respondent

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

Present:- None for the applicant.

Mr. Harmanjit Singh-respondent in person.

Applicant Amritpal Kaur, aged about 32 years, estranged wife of Harmanjit Singh-respondent, presently residing with her parents at Patiala on account of matrimonial differences between the spouses, by way of filing the instant application seeks transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband Harmanjit Singh against her having title 'Harmanjit Singh Vs. Amritpal Kaur' pending in the Court of District Judge, Ropar to the Court of competent jurisdiction at Patiala.

According to the applicant, the marriage performed between the parties on 1.4.2018 ran into rough weather on account of demand of more dowry raised by respondent and his family members from her. Ultimately she was beaten and thrown out of the matrimonial home on 10.6.2018. The respondent has filed the petition in question against her in the Court at Roopnagar as a tool of harassment. The father of applicant is no more and

she is putting up with her aged mother. Her brother is unemployed and it is difficult for her to travel from Patiala to Rupnagar, covering a distance of about 80 kms to attend the dates of hearing in the Court there, therefore, the application be accepted.

Notice of the application was given to the respondent, who has appeared and filed reply contesting the application praying that no ground for transfer of the application is made out.

I have heard the respondent who is present in the Court besides going through the record.

The respondent has contended that applicant is a regular employee of Punjab Education Department posted as a Science Mistress in Government School, Village Nalini, Tehsil and District Fatehgarh Sahib and she can very well appear in the Court at Ropar. In the alternative, he has prayed that the case be transferred to the Court at Fatehgarh Sahib. He has also expressed apprehension of physical harm at the hands of the applicant and her family members in case he is required to appear in the Court at Patiala.

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, 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, Ropar and transferred to Family Court at Patiala for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 17.9.2019. Copies of orders be sent to the Court of District Judge, Ropar as well as to the Family Court at Patiala for information and necessary compliance.

The Senior Superintendent of Police, Patiala is directed to ensure that no physical harm is caused to the respondent or to his family

members or persons accompanying him when he/they go to Patiala to attend the dates of hearing. A copy of this order be sent to Senior Superintendent of Police, Patiala also.

(H.S. MADAAN)
JUDGE

August 14, 2019
p.singh

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