

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

T.A. No. 1147 of 2018

DATE OF DECISION :- March 18, 2019

Balwinder Kaur

...Applicant

Versus

Amrik Singh

...Respondent

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

Present:- Mr. Arun Singla, Advocate for the applicant.

By way of filing the present application, applicant Balwinder Kaur, aged about 24 years, estranged wife of Amrik Singh-respondent presently residing with her parents at Village Buggar, Tehsil Longowal, District Sangrur, seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 filed by her husband Amrik Singh against her having title 'Amrik Singh Vs. Balwinder Kaur' pending in the Court of Civil Judge (Sr. Divn), Mansa to the Court of competent jurisdiction at Sangrur.

According to the applicant, the marriage between the parties was performed on 24.8.2015. Thereafter they started residing together as husband and wife. The applicant gave birth to a male child namely Harmanpreet Singh, however, after some time of marriage respondent and his family members treated her with cruelty and forced her to leave the matrimonial home. The minor child had been snatched from her however, she got custody of that child through Court of law. She has filed a petition under Section 125 Cr.P.C. as

well as petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 against the respondent in the Courts at Sangrur. The respondent has filed petition in question against her as a pressure tactic. She being a young woman, taking care of minor son of the parties, having no source of income, it is difficult for her to travel from her parental place to Mansa covering a distance of about 60 kms on one side so as to attend the dates of hearing there, as such the application be accepted.

Notice of the application was given to the respondent, who as per office report has been duly served but he has not turned up to offer a contest.

I have heard learned counsel for the applicant 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, 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 Civil Judge (Sr. Divn), Mansa and transferred to the Court of District Judge, Sangrur for disposal in accordance with law. Learned District Judge, Sangrur may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 29.4.2019. Copies of orders be sent to the Court of Civil Judge (Sr. Divn), Mansa as well as to the Court of District Judge, Sangrur for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 18, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No