

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

T.A. No. 631 of 2018

DATE OF DECISION :- March 18, 2019

Damanpreet Kaur

...Applicant

Versus

Ramanpreet Singh

...Respondent

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

Present:- Mr. Parvez Chugh, Advocate for the applicant.

Mr. Ramanjeet Singh, Advocate for the respondent.

By way of filing the present application, applicant Damanpreet Kaur, aged about 33 years, wife of Ramanpreet Singh-respondent presently residing with her parents at Ferozepur, seeks transfer of petition under Section 13 of the Hindu Marriage Act, 1955 filed by her husband Ramanpreet Singh against her having title 'Ramanpreet Singh Vs. Damanpreet Kaur' pending in the Court of Additional District Judge, Ludhiana to the Court of competent jurisdiction at Ferozepur.

According to the applicant, the marriage between the parties was performed on 10.3.2016. Thereafter they started residing together as husband and wife. The applicant gave birth to a daughter from loins of respondent on 15.5.2017, however, differences arose between the spouses and applicant was forced to leave the matrimonial home. She had no other

place to go except house of her parents at Ferozepur where she is putting up along with minor daughter of the parties. The applicant has lodged an F.I.R. against the respondent for offences under Sections 406 and 498A IPC with Police Station women, District Ferozepur besides filing of petition under Section 125 Cr.P.C. against the respondent seeking maintenance. She being a young woman, taking care of minor daughter of the parties aged about one year, having no source of income, it is difficult for her to travel from Ferozepur to Ludhiana covering a distance of about 130 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 has put in appearance through his counsel and filed written reply opposing the application contending that the applicant is a practicing Advocate at Ferozepur. Her brother is also in active practice in District Court Ferozepur and if divorce petition in question is transferred to the Court at Ferozepur, then respondent would be severally prejudiced, therefore, the application be dismissed.

I have heard learned counsel for the parties besides going through the record.

The major ground for opposition of transfer is that applicant and her brother are practicing Advocates at Ferozepur. May it be so but they cannot possibly interfere in judicial proceedings and influence the result thereof. The comparative inconvenience to applicant shall be much more if application is rejected then it is allowed.

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 District Judge, Ludhiana and transferred to the Court of

District Judge, Ferozepur for disposal in accordance with law. Learned District Judge, Ferozepur 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 District Judge, Ludhiana as well as to the Court of District Judge, Ferozepur for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 18, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No