

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

TA-457-2018

Date of decision: 21.11.2019

Daljit Kaur

...Applicant

Versus

Harpreet Singh

...Respondent

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

Present: Mr. Goldy Jakhar, Advocate for the applicant.

Mr. Akhilesh Vyas, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Daljit Kaur, aged about 35 years, estranged wife of respondent Harpreet Singh, presently residing with her parents at Nangal, District Rupnagar, on account of matrimonial discord between the spouses, by way of filing the present application, seeks transfer of divorce petition, filed by her husband, the respondent against her having title 'Harpreet Singh Vs. Daljit Kaur' pending in the Court of Addl. District Judge, SAS Nagar, Mohali to the Court of competent jurisdiction at Ropar.

According to the applicant, the marriage solemnized between the parties on 10.02.2013 ran into rough weather, though, the couple was blessed with a male child, namely, Master Brahamnoor Singh, on 05.04.2014. On account of harassment and maltreatment meted out to the applicant at the hands of respondent and his family

members in connection with demand of more dowry. The applicant was forced to leave the matrimonial home and start residing with her parents. The applicant does not have any source of income and is dependent upon her parents for meeting her financial needs and those of minor son of the parties, who is in her custody. The applicant has filed a complaint under Sections 406, 498-A and 506 IPC and a petition under Section 125 Cr.P.C. against the respondent in Courts at Anandpur Sahib, District Rupnagar. The respondent has filed the petition in question against the applicant just to harass her. Under the circumstances, it is difficult for her to travel from her parental place to SAS Nagar (Mohali), to attend the dates of hearing in the Court there. Therefore, the present application be accepted.

Notice of the application was given to the respondent who put in appearance through counsel, filed written reply and is 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 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 Addl. District Judge, SAS Nagar, Mohali and transferred to the Court of learned District Judge, Rupnagar for

disposal in accordance with law. Learned District Judge, Rupnagar may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through counsel are directed to appear in the transferee Court on 19.12.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

21.11.2019
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(H.S. MADAAN)
JUDGE

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