

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

TA-995-2018 (O&M)
Date of decision: 08.04.2019

Ramandeep Kaur

...Applicant

Versus

Dinesh Sharma

...Respondent

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

Present: Mr. Gourav Goel, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

This application for transfer of divorce petition titled 'Dinesh Sharma Vs. Ramandeep Kaur' pending in the Court of Addl. District Judge, Family Court, Ludhiana to the Court of competent jurisdiction at Fatehgarh Sahib, has been filed by applicant Ramandeep Kaur, aged about 31 years, estranged wife of respondent Dinesh Sharma, presently residing with her parents at Village Jalbehra, Tehsil & District Fatehgarh Sahib, on account of matrimonial discord between the parties.

According to the applicant, the marriage solemnized between the parties on 21.06.2015 did not work. The couple was not blessed with any child. Circumstances were so created by the respondent that the applicant had to leave the matrimonial home and start residing with her parents at Village Jalbehra, District Fatehgarh Sahib. The respondent has filed the divorce petition against the applicant just to harass her. The applicant being a young woman, having no source of income, it is

difficult for her to travel from her parental place to Ludhiana, to attend the dates of hearing in the Court there, covering a considerable distance. She has also filed a petition under Section 125 Cr.P.C., against the respondent in a Court at Fatehgarh Sahib. Therefore, the present application be accepted.

Notice of the application was given to the respondent, who was duly served but did not opt to appear and 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 Ray** 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, Family Court, Ludhiana and transferred to the Court of learned District Judge, Fatehgarh Sahib for disposal in accordance with law. Learned District Judge, Fatehgarh Sahib may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties are directed to appear in the transferee Court on 06.05.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

08.04.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No