

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

TA-745-2018 (O&M)

Date of decision: 15.07.2019

Rapneet Kaur

...Applicant

Versus

Chanpreet Singh

...Respondent

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

Present: Ms. Sudha, Advocate for the applicant.

Mr. L.S. Mann, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

This application for transfer of divorce petition titled 'Chanpreet Singh Vs. Rapneet Kaur' pending in the Court of Addl. District Judge, Fatehgarh Sahib to the Court of competent jurisdiction at Bathinda, has been filed by applicant Rapneet Kaur, aged about 30 years, estranged wife of respondent Chanpreet Singh, presently residing at Bathinda separate from her husband on account of differences between the spouses.

As per version of the applicant, the marriage solemnized between the parties on 06.10.2013 at Chandigarh unfortunately ran into rough weather. The couple was not blessed with any child. The respondent has filed the divorce petition against the applicant as a pressure tactic. He has also lodged a false FIR No.15 dated 06.02.2018 against the father and brother of the applicant for offences under Sections 323, 341 and 34 IPC with Police Station Fatehgarh Sahib, alleging that

father and brother of the applicant had assaulted and beaten up the respondent on 06.02.2018, after the Court hearing. It is difficult for her to travel from Bathinda to Fatehgarh Sahib to attend the dates of hearing in the Court there, covering a distance of about 192 kms on one side. It has been stated on behalf of the applicant that brother of respondent is posted as a Sub Inspector at Fatehgarh Sahib and he may create trouble for her. Therefore, the present application be accepted.

Notice of the application was given to the respondent who put in appearance through counsel, vehemently contesting the application and praying for its dismissal, stating that the allegations in the application are wrong and as a matter of fact, she is not residing at Bathinda. Her brother and father are practising Advocates at Bathinda. Therefore, the respondent has an apprehension that if he is asked to go to Bathinda to attend the dates of hearing, then, physical harm may be caused to him.

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, Fatehgarh Sahib and transferred to Family Court at Bathinda for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 16.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

To address the apprehension of the respondent with regard to his safety, SSP, Bathinda is directed to ensure that no physical harm is

caused to the respondent or any person accompanying him to Bathinda in connection with the dates of hearing in the Court there.

15.07.2019

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(H.S. MADAAN)

JUDGE

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