

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 950 of 2018 (O&M)

Date of decision : 1.5.2019

...

Ravinder Kaur

.....Applicant

vs.

Chhatar Pal Singh

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Anirudh Kush, Advocate for the applicant.

Mr. Fateh Saini, Advocate for the respondent.

...

H. S. Madaan, J. (Oral)

Applicant – Ravinder Kaur, aged about 30 years, estranged wife of Chhatar Pal Singh, presently residing with her parents at Ambala Cantt., Haryana, on account of matrimonial discord between the spouses, by way of filing the present application under Section 24 CPC, seeks transfer of divorce petition, filed by her husband, who is respondent in the present application, against her, having title 'Chhatar Pal Singh vs. Smt. Ravinder Kaur' pending in the Court of District Judge, Yamunanagar, to a Court of competent jurisdiction at Ambala.

According to the applicant, the marriage performed between

the spouses on 25.9.2009 at Mustafabad, Yamunanagar, did not work, though the couple was blessed with a son namely, Prabhnoor Singh on 3.3.2015. The applicant was driven out of the matrimonial home by the respondent and his family members and she had no other place to go and she alongwith her minor son had to shift her resident to Ambala Cantt in March 2018, and got admitted her son in Kharga Army Pre-Primary School, Ambala Cantt. The respondent is serving in Indian Army. The applicant has filed a petition under various provisions of Protection of Women from Domestic Violence Act, 2005, against the respondent, which is pending adjudication before the Court of JMIC, Ambala. As a counter blast, respondent has filed a divorce petition against her, in the Court of District Judge, Yamunanagar. The applicant being a young woman, taking care of minor son of the parties, having financial constraints, it is difficult for her to go from Ambala Cantt. to Jagadhri to attend the dates of hearing in the Court there, as such the application be accepted.

Notice of the application was given to the respondent, who has put in appearance 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 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, I find that ends of justice demand that the application be allowed.

Accordingly, the application is accepted. The petition in question pending in the court of District Judge, Yamunanagar, is withdrawn from that Court and transferred to the Family Court, Ambala, for disposal in accordance with law. Parties through counsel are directed to appear there on 29.5.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

1.5.2019
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No