

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

**T.A NO. 1087 OF 2019
DATE OF DECISION : 26.02.2020**

Neelam

...Applicant

versus

Sunil Kumar

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Ms. Sukhveer Kaur, Advocate for
Mr. R. K. Arya, Advocate,
for the applicant.

None for the respondent.

ARUN MONGA, J. (ORAL)

The present petition has been filed by the applicant-wife seeking transfer of a petition filed by her husband under Section 32 of the Divorce Act, 1869 bearing No. DMC/1634 of 2019 titled as "Rohit v. Neelam" pending in the Court of District and Sessions Judge, Jalandhar to any other Court of competent jurisdiction at Pathankot.

2. Learned counsel for the applicant submits that applicant is residing with her parents. She has no source of income. It is very difficult for her to travel from Pathankot to Jalandhar on each and every date of hearing.

3. Despite service, no one has put in appearance on behalf of the respondent. This Court is of the view that respondent/husband has deemingly consented to the present

transfer application by not contesting the same.

4. I have heard learned counsel for the applicant and have gone through the records of the case.

5. Reference may also be had to the observations made by Hon'ble the Supreme Court of India in cases titled as "**Sumita Singh Vs. Kumar Sanjay and another**", **AIR 2002 SC 396** and **Rajni Kishor Pardeshi v. Kishor Babulal Pardeshi**" **2005 (12) SCC 237**, wherein in matrimonial matters, convenience of wife is to be preferred over the convenience of husband.

6. Even otherwise, the ethos as manifested under Article 51-A of Constitution of India also envisage that it shall be fundamental duty of every citizen of India to uphold the dignity of woman. In addition, per Article 15 (3), power has also been conferred on the State to make special provisions for women and children.

7. In the premise, present application is allowed. The petition in question pending before District & Sessions Judge, Jalandhar is ordered to be withdrawn from that Court and is transferred to District Judge, Pathankot for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

FEBRUARY 26, 2020
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1.	Whether speaking/reasoned :	Yes/No
2.	Whether reportable :	Yes/No