

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

TA-3-2019 (O&M)

Date of decision: 06.09.2019

Rachna

...Applicant

Versus

Ajay Kumar

...Respondent

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

Present: Mr. Gaurav Aggarwal, Advocate for the applicant.
Mr. Raman Chawla, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

CM-17120-CII-2019

This is an application for placing on record the reply on behalf of the respondent along with Annexure R-1. Heard. Allowed subject to all just exceptions. Reply along with Annexure R-1 be made part of the record.

Main Case

Applicant Rachna, aged about 23 years, estranged wife of respondent Ajay Kumar, presently residing with her parents at Village Sahuwala II, Tehsil & District Sirsa, 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 'Ajay Kumar Vs. Smt. Rachna' pending in the Court of District Judge, Family Court, Hisar to the Court of competent jurisdiction at Sirsa.

According to the applicant, the marriage solemnized between the parties on 12.12.2016 did not work on account of repeated demands of dowry raised by the respondent from the applicant, which she could not get fulfilled to his satisfaction. The couple was not blessed with any child. On account of harassment and maltreatment meted out to the applicant at the hands of respondent, the applicant was forced to leave the matrimonial home and start residing with her parents at Village Sahuwala II, Tehsil & District Sirsa. She does not have any source of income and is dependent upon her parents for meeting her financial needs. She is preparing for Special Teacher Eligibility Test examination. She has filed a complaint under Section 498-A of IPC against the respondent before Women Police Station, Sirsa. The respondent has filed the petition in question 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 Hisar, to attend the dates of hearing in the Court there, covering a distance of about 100 kms on one side. 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 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, 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 District Judge, Family Court, Hisar and transferred to Family Court at Sirsa for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 17.10.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

06.09.2019

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(H.S. MADAAN)
JUDGE

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