

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

T.A. No. 25 of 2019

DATE OF DECISION :- October 24, 2019

Megha

...Applicant

Versus

Gaurav Kaushik

...Respondent

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

Present:- Mr. N.K. Vadehra, Advocate for the applicant.

Ms. Neha Rana, Advocate
for Mr. Abhimanyu Singh, Advocate for the respondent.

Applicant Megha, aged about 30 years, estranged wife of Gaurav Kaushik-respondent, presently residing with her parents at Bathinda, on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of divorce petition filed by her husband Gaurav Kaushik against her having title 'Gaurav Kaushik Vs. Megha' pending in the Court of Additional Principal Judge, Family Court, Faridabad to the Court of competent jurisdiction at Bathinda

As per version of the applicant, on account of cruelty meted out to her by the respondent and his family members soon after the marriage, she was forced to leave the matrimonial home and start residing with her parents at Bathinda. She is taking care of minor daughter of the parties, aged about 6 years. She has lodged F.I.R. under Sections 498-A and 406 IPC against the respondent with Police Station, Women Cell, Bathinda. She has also filed a complaint under Section 12 of Protection of Women from domestic Violence Act, 2005 against the

respondent in the Court at Bathinda. The respondent had filed the petition under Section 9 of the Hindu Marriage Act where applicant had approached this Court seeking transfer of the same. On applicant having approached this Court vide order dated 4.11.2016 passed in T.A. No. 680 of 2016 (O&M) that application was accepted and petition under Section 9 of the Hindu Marriage Act, 1955 was transferred to the Court at Bathinda., Under the circumstances, it is difficult for her to travel from her parental place to Faridabad so as to attend the dates of hearing in the Court there, therefore, the application be accepted.

Notice of the application was given to the respondent, who was duly served and has put in appearance through his counsel.

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 Additional Principal Judge, Family Court, Faridabad and transferred to Family Court at Bathinda for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 25.11.2019. Copies of orders be sent to the Court of Additional Principal Judge, Family Court, Faridabad as well as to the Family Court at Bathinda for information and necessary compliance.

(H.S. MADAN)
JUDGE

October 24, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No