

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

TA-29-2019

Date of decision:-30.4.2019

Pinki

...Applicant

Versus

Sumit

...Respondent

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

Present : Mr.Sumit Sangwan, Advocate
for the applicant.

Ms.Monika Singh, Advocate
for the respondent.

H.S. MADAAN, J.(ORAL)

By way of filing the present application, the applicant – Pinki, aged about 25 years, estranged wife of respondent – Sumit, presently residing with her parents at Jhajjar Ghati, Dadri on account of matrimonial discord between the parties, seeks transfer of petition under Section 9 of the Hindu Marriage Act titled 'Sumit Versus Pinki' filed by her husband pending in the Court of Additional Principal Judge, Family Court, Rohtak to the Court of competent jurisdiction at Charkhi Dadri.

According to the applicant, the marriage between the parties ran into rough weather, resultantly the applicant had to leave the matrimonial home and start residing with her parents at Charkhi Dadri; that she is not having any source of income; that she had lodged an FIR No.397 dated 23.10.2018 for the offences under Sections 323, 406, 498-A, 506 IPC against the respondent and his family members with Police

Station City, Dadri; that as a counter-blast the respondent has filed the petition in question against her. According to the applicant, she being a young woman having no source of income, it is difficult for her to travel from her parental place to Rohtak covering a distance of about 63 kms. on one side to attend the dates of hearing in the Court there; that there is nobody in her parental family to accompany her to Rohtak. Therefore, the application be accepted.

Notice of the application was given to respondent, who put in appearance and opposed the application.

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 must 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.

Therefore, the application stands allowed and the petition under Section 9 of Hindu Marriage Act pending in the Court of Additional Principal Judge, Family Court, Rohtak is ordered to be transferred to Additional District Judge, Charkhi Dadri. Learned Additional District Judge, Charkhi Dadri may keep the petition with himself or assign it to any other Court. The parties are directed to appear before Additional District Judge, Charkhi Dadri on 28.5.2019.

Copy of this order be sent to Additional Principal Judge, Family Court, Rohtak as well as Additional District Judge, Charkhi Dadri for information and necessary compliance.

30.4.2019
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No