

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

TA-28-2019 (O&M)

Date of decision: 19.09.2019

Poonam

...Applicant

Versus

Raman Monga

...Respondent

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

Present: Mr. Kashish Garg, Advocate for the applicant.

Mr. S.K. Passi, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Poonam, aged about 41 years, estranged wife of respondent Raman Monga, presently residing with her parents at Kotkapura, District Faridkot, on account of matrimonial discord between the spouses, by way of filing the present application, seeks transfer of petition under Section 9 of the Hindu Marriage Act, filed by her husband, the respondent against her having title 'Raman Monga Vs. Poonam' pending in the Court of Addl. Civil Judge (Sr. Divn.), Ferozepur to the Court of competent jurisdiction at Faridkot.

According to the applicant, the marriage solemnized between the spouses on 27.04.2002 did not have a smooth sailing, though, the couple was blessed with two children. On account of harassment and maltreatment meted out to the applicant at the hands of respondent and his family members, she was forced to leave the

matrimonial home and start residing with her parents at Kotkapura, District Faridkot. Two minor children of the parties are in her custody. The applicant is serving as a teacher in a Govt. School at Kotkapura. Minor children are school going; the son, namely, Master Navish Monga is studying in 11th Class, whereas, the minor daughter, namely Baby Gunadhika Monga is studying in 3rd standard. The applicant and her children are having financial constraints. The applicant has filed a petition under Section 125 Cr.P.C. besides another petition under Section 26 read with Section 12 of Protection of Women from Domestic Violence Act, 2005 against the respondent in Courts at Faridkot. The respondent has filed the petition in question against the applicant just to harass her. Under the circumstances, it is difficult for her to travel from her parental place to Ferozepur to attend the dates of hearing in the Court there, covering a distance of about 32 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 and is opposing the application vehemently, praying for its dismissal.

It may be mentioned here that as informed, the matter had been referred to mediation in proceedings under Section 125 Cr.P.C., in the trial Court but those have not proved to be successful.

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 Addl. Civil Judge (Sr. Divn.), Ferozepur and transferred to Family Court at Faridkot for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 22.10.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

19.09.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No