

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

TA-44-2019 (O&M)

Date of decision: 04.04.2019

Shelja

...Applicant

Versus

Rajinder Bajaj

...Respondent

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

Present: Mr. P.K. Longia, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

This application for transfer of divorce petition titled 'Shelja Vs. Rajinder Bajaj' pending in the Court of Addl. District Judge, Chandigarh to the Court of competent jurisdiction at Kurukshetra, has been filed by applicant Shelja, aged about 50 years, wife of respondent Rajinder Bajaj, presently residing at Kurukshetra, on account of matrimonial discord between the spouses.

According to the applicant, soon after the marriage with the respondent, she found that he was heavy drinker, chain smoker, suspicious nature and an aggressive person. The attitude of the respondent with the applicant and the children was highly improper and violent besides being cruel. The applicant had earlier filed a divorce petition against the respondent in Court at Kurukshetra, however, the same was subsequently withdrawn, in view of the undertaking given by the respondent and his father for their good conduct. However, there was no improvement in their conduct. The respondent became more abusive

and violent. The applicant had to leave the matrimonial home. She is bringing up her kids as a single parent. According to the applicant, she is unemployed and is not having any source of income, therefore, it would be difficult for her to travel from Kurukshetra to Chandigarh to attend the dates of hearing in the Court there. Therefore, the present application be accepted.

Notice of the application was given to the respondent, who as per office report, has been duly served but has not appeared to offer a contest.

I have heard learned counsel for the applicant 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 Ray** Versus **Ravibhai Govindbhai Ray**, 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. District Judge, Chandigarh and transferred to Family Court at Kurukshetra for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 02.05.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

04.04.2019

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(H.S. MADAAN)
JUDGE

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