

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

TA-46-2019 (O&M)

Date of decision: 12.07.2019

Kirti @ Kitti @ Kitty

...Applicant

Versus

Lalit

...Respondent

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

Present: Mr. Aditya Sanghi Advocate for the applicant.

Ms. Monika Singh, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

This application for transfer of divorce petition titled 'Lalit Vs. Kirti @ Kitti' pending in the Court of District Judge, Sonapat to the Court of competent jurisdiction at Hisar, has been filed by applicant Kirti @ Kitti @ Kitty, aged about 24 years against her husband Lalit.

According to the applicant, the marriage solemnized between the parties on 31.10.2017 at Bulbul Palace, Gohana ran into rough weather on account of demand of dowry raised by the respondent and his family members from the applicant. When the applicant could not get those demands fulfilled, she was driven out of the matrimonial home in August, 2018 when she was in a family way. She had no other place to go except the house of her parents at Hisar; that the applicant does not have any source of income. She has given birth to a female child, who is about 02 months old and is in her custody. Under the circumstances, it is difficult for the applicant to travel from Hisar to Sonapat to attend the

dates of hearing in the Court there, covering a distance of about 157 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 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 District Judge, Sonapat and transferred to Family Court at Hisar for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 14.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

12.07.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No