

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

TA-56-2019 (O&M)

Date of decision: 07.05.2019

Radhika

...Applicant

Versus

Vikas Motia

...Respondent

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

Present: Mr. Nandan Jindal, Advocate for the applicant.

Mr. Sanjay Jain, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

According to applicant Radhika, aged about 27 years, wife of respondent Vikas Motia, she was married with respondent and thereafter, they started residing together and were blessed with a daughter, namely, Baby Rabiya, born on 10.08.2016. Since her husband and his family members were not satisfied with the dowry articles brought by the applicant, they started harassing, maltreating and pressurize her to bring more dowry and ultimately, she along with minor daughter of the parties were thrown out of the matrimonial home in May 2018. Since then, both of them are residing with parents of the applicant at Patiala; that to save his skin, the respondent has filed a petition under Section 9 of the Hindu Marriage Act against the applicant in Family Court at Ambala. The respondent is a man of means, earning Rs.1 lakh per month, since he is running a Filling Station at Ghanaur. The applicant does not have any

source of income. She is taking care of minor daughter of the parties and it is difficult for her to travel from Patiala to Ambala to attend the dates of hearing in the Court there, covering a distance of about 60 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 has filed a detailed reply, contending that no ground is made out for acceptance of the application and it be dismissed.

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, Family Court, Ambala and transferred to Family Court at Patiala for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 31.05.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

07.05.2019
sumit.k

(H.S. MADAAN)
JUDGE

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