

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

TA-65-2019 (O&M)

Date of decision: 25.07.2019

Aman Sharma

...Applicant

Versus

Amit Sharma

...Respondent

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

Present: Mr. Sarju Puri, Advocate for the applicant.

Mr. Kulwinder Singh, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Aman Sharma, aged about 33 years, estranged wife of respondent Amit Sharma, presently residing with her widowed mother at SBS Nagar (Nawanshahr), on account of differences between the spouses, by way of filing the present application, seeks transfer of divorce petition, filed by her husband, the respondent against her having title 'Amit Sharma Vs. Aman Sharma' pending in the Court of District Judge, Jalandhar to the Court of competent jurisdiction at SBS Nagar (Nawanshahr).

As per version of the applicant, the marriage solemnized between the parties on 19.04.2017 did not work on account of demand of dowry raised by the respondent from the applicant. The couple was not blessed with any child. The respondent had gone to USA after about 10 days of the marriage, leaving the applicant to live with the

family of his brother and brother's wife, who had been treating the applicant with cruelty in connection with demand of dowry. The respondent created such a situation that the applicant had to leave the matrimonial home and start residing with her widowed mother. The respondent is residing in USA. He has filed the petition in question against the applicant just to harass her. The applicant has filed a petition under Section 125 Cr.P.C against the respondent in a Court at SBS Nagar (Nawanshahr). The applicant being a young woman, having financial constraints, it is difficult for the applicant to travel from her parental place to Jalandhar to attend the dates of hearing in the Court there, covering a distance of about 70 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.

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 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, Jalandhar and transferred to Family Court at SBS Nagar (Nawanshahr) for disposal in

accordance with law.

The parties through counsel are directed to appear in the transferee Court on 28.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

25.07.2019

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(H.S. MADAAN)
JUDGE

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