

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

TA-97-2019 (O&M)

Date of decision: 09.05.2019

Sangeeta

...Applicant

Versus

Sunny

...Respondent

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

Present: Mr. Shiva Khurmi, Advocate for  
Mr. Rajesh Bansal, Advocate for the applicant.

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**H.S. MADAAN, J. (Oral)**

Applicant Sangeeta, aged about 22 years, wife of respondent Sunny, who is presently residing with her parents at Panipat, due to differences between the spouses, by way of moving the present application seeks transfer of divorce petition filed by her husband, the respondent against her pending before Addl. Principal Judge, Family Court, Rohtak to the Court of competent jurisdiction at Panipat.

According to the applicant, the marriage solemnized between the spouses ran into rough weather and she was forced to leave the matrimonial home. Presently, she is residing with her parents at Panipat. Her parents are quite old. The applicant does not have any source of income. She is taking care of minor son of the parties, aged about 10 months. She has filed a petition under Section 125 Cr.P.C., against the respondent before SDJM, Samalkha. She has also filed a petition under provisions of Protection of Women from Domestic Violence Act, 2005

against the respondent in that very Court at Samalkha. She has lodged an FIR under Sections 406, 498-A etc. IPC against the respondent and his family members and the case is pending in Court at Samalkha. To pressurize and harass the applicant, the respondent has filed a divorce petition against her in Court at Rohtak. It is difficult for the applicant to go from her parental place to Rohtak 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 was duly served but did not appear 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. Principal Judge, Family Court, Rohtak and transferred to Family Court at Panipat for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 30.05.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

09.05.2019

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**(H.S. MADAAN)**  
**JUDGE**

Whether speaking/reasoned :  
Whether Reportable :

|     |    |
|-----|----|
| Yes | No |
| Yes | No |