

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

TA-88-2019 (O&M)

Date of decision: 09.09.2019

Savita

...Applicant

Versus

Sunny Kumar

...Respondent

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

Present: Mr. Varinder Chhibbar, Advocate for the applicant.

Mr. A.S. Brar, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Savita, aged about 23 years, estranged wife of respondent Sunny Kumar, on account of differences between the spouses, by way of filing the present application, seeks transfer of petition under Section 9 of the Hindu Marriage Act, filed by her husband, the respondent against her having title 'Sunny Kumar Vs. Savita' pending in the Court of District Judge, Ludhiana to the Court of competent jurisdiction at Chandigarh.

According to the applicant, the marriage solemnized between the spouses on 07.05.2017 at Chandigarh did not work on account of demand of more dowry raised by the respondent and his family members from the applicant, which she could not get fulfilled from her parents. As such, she was harassed, maltreated and ultimately, turned out of the matrimonial home. She had no other place to go

except the house of her parents at Chandigarh. On 23.09.2017, the respondent along with his two friends came to parental house of the applicant in drunkard condition and started scuffling with father of the applicant. The police was informed who apprehended the assailants, however, later on, the applicant withdrew the complaint. The matter was compromised and the applicant joined the company of respondent but there was no change in the situation. The applicant was again turned out of the matrimonial home on 15.07.2018. The applicant has submitted a complaint against the respondent and his family members to Women Cell at Chandigarh, which is being probed. She has filed a petition under Section 125 Cr.P.C. against the respondent in Court at Chandigarh. The respondent has filed the petition in question against the applicant just to harass her. The applicant being a young woman, having no source of income, it is difficult for her to travel from her parental place to Ludhiana, to attend the dates of hearing in the Court there, covering a distance of about 100 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 Rav** Versus **Ravibhai Govindbhai Rav**, 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, Ludhiana and transferred to the Court of learned District Judge, Chandigarh for disposal in accordance with law. Learned District Judge, Chandigarh may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through counsel are directed to appear in the transferee Court on 17.10.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

09.09.2019

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(H.S. MADAAN)
JUDGE

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