

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

TA-98-2019 (O&M)

Date of decision: 16.05.2019

Preeti Lamba

...Applicant

Versus

Alok Malik

...Respondent

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

Present: Mr. Parshant Sethi, Advocate for the applicant.

Mr. Surender Saini, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

This application for transfer of petition under Section 9 of the Hindu Marriage Act, 1955 titled 'Alok Malik Vs. Preeti Lamba' pending in the Court of District Judge, Family Court, Sonapat to the Court of competent jurisdiction at Charkhi Dadri, has been filed by applicant Preeti Lamba, aged about 28 years, estranged wife of respondent Alok Malik, presently residing with her parents at Village Aun (Badwana), Tehsil and District Charkhi Dadri (Haryana), on account of matrimonial discord between the parties.

According to the applicant, the parties got married on 09.07.2016. Thereafter, they started residing together. They were blessed with a son, namely Kritgya Malik, born on 27.04.2017. The applicant was harassed and maltreated by the respondent and his family members on account of demand of dowry, which she could not get met from her

parents. Ultimately, she was forced to leave the matrimonial home. She had no other place to go except the house of her parents at Village Aun (Badwana), Tehsil and District Charkhi Dadri, where, she is putting up along with minor son of the parties. The applicant does not have any source of income and it is difficult for the applicant to travel from her parental place to Sonapat to attend the dates of hearing in the Court there, covering a distance of about 160 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent, who appeared and offered stiff opposition, 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, Family Court, Sonapat and transferred to the Court of learned Addl. District Judge, Charkhi Dadri for disposal in accordance with law. Learned Addl. District Judge, Charkhi Dadri may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 17.07.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

16.05.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No