

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

T.A. No. 105 of 2019

DATE OF DECISION :- May 22, 2019

Mamta

...Applicant

Versus

Jai Dev Singla

...Respondent

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

Present:- Mr. Akshay Kumar Jindal, Advocate for the applicant.

Applicant Mamta, aged about 29 years, wife of Jai Dev Singla-respondent, presently residing with her parents at Kurukshetra on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Jai Dev Singla against her having title 'Jai Dev Singla Vs. Mamta' pending in the Court of District Judge, Panipat to the Court of competent jurisdiction at Kurukshetra.

According to the applicant, the marriage performed between the parties on 22.3.2015 ran into rough weather. The couple was not blessed with any child. On account of demand of dowry raised by the respondents and his family members, she had to leave the matrimonial home and start residing with her parents at Kurukshetra. She has filed a petition under Protection of Women from Domestic Violence Act, 2005 against the

respondent at Kurukshetra wherein the respondent has appeared there. As a pressure tactic the respondent has filed divorce petition. The applicant being a young woman, having no source of income, it is difficult for her to go from her parental place to Panipat covering a distance of 80 kms on one side so as to attend the dates of hearing in the Court there, therefore, the application be accepted.

Notice of the application was given to the respondent, who as per office report has been duly served but he has not turned up 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 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, Panipat and transferred to Family Court at Kurukshetra for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 23.7.2019. Copies of orders be sent to the Court of District Judge, Panipat as well as to the Family Court at Kurukshetra for information and necessary compliance.

(H.S. MADAAN)
JUDGE

May 22, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No