

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 133 of 2019 (O&M)

Date of decision : 9.7.2019

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Ravita @ Ritu @ Nvyu

.....Applicant

vs.

Ishan Mehta

.....Respondent

**Coram: Hon'ble Mr. Justice H. S. Madaan**

Present: Mr. Karan Garg, Advocate for  
Mr. Rahul Deswal, Advocate for the applicant.

Mr. Satbir Singh Gill, Advocate for the respondent.

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

Applicant – Ravita @ Ritu @ Navya, aged about 34 years, estranged wife of Ishan Mehta, presently residing at Ratia, District Fatehabad, Haryana, on account of marital discord between the spouses, by way of filing the present application under Section 24 CPC, seeks transfer of divorce petition, filed by her husband, who is respondent in the present application, against her, having title 'Ishan Mehta vs. Ritu @ Navya' pending in the Court of Principal Judge, Family Court, Sirsa, to a Court of competent jurisdiction at Fatehabad, Haryana.

According to the applicant, she is not having any source of income. Her father has expired and she is dependent upon her mother

for her financial requirements. She has lodged FIR No. 23 dated 27.1.2019 for offences under Sections 313, 323, 34, 406, 498-A, 506 IPC, against the respondent at Fatehabad, in which case challan has been filed and the respondent is facing trial. The applicant has further filed a petition under the Protection of Woman from Domestic Violence Act, 2005 against the respondent in the Court at Fatehabad. The applicant being a young woman, it is difficult for her to travel from her parental place to Sirsa to attend the dates of hearing in Courts there. Therefore the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel and has opposed 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, I find that ends of justice demand that the application be allowed.

Accordingly, the application is accepted. The petition in question pending in the court of Principal Judge, Family Court, Sirsa, is withdrawn from that Court and transferred to the Court of District Judge, Fatehabad, who may retain the case on his Board or assign it to any other Court of competent jurisdiction for disposal in accordance with law. Parties are directed to appear there on 8.8.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

**9.7.2019**  
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**( H.S. Madaan )**  
**Judge**

Whether speaking / reasoned  
Whether reportable

Yes / No  
Yes / No