

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TANo. 140 of 2019 (O&M)

Date of decision : 26.8.2019

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Palvisha Thakur

.....Applicant

vs.

Rahul Rana

.....Respondent

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

Present: Mr. Shashank Sharma, Advocate for the applicant.

Mr. P.K. Kataria, Advocate for the respondent.

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H. S. Madaan, J. (Oral)

Applicant – Palvisha Thakur, aged about 24 years, estranged wife of Rahul Rana-respondent, presently residing in a rented accommodation at Chandigarh, on account of matrimonial differences with her husband, has filed the instant application under Section 24 CPC, seeking transfer of divorce petition, filed by her husband, who is respondent in the present application, against her,

having title 'Rahul Rana vs. Palvisha Thakur' pending in the Court of Principal Judge, Family Court, Amritsar, to a Court of competent jurisdiction at Chandigarh.

According to the applicant, the marriage solemnized between the parties on 5.2.2017, ran into rough weather. The applicant 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. She is presently residing in a rented accommodation at Chandigarh. She has no source of income. The respondent has filed a divorce petition against her to cause harassment and inconvenience to the applicant. It is difficult for the applicant to travel from her parental place to Amritsar, to attend the dates of hearing in the Court there, covering a distance of 250 kms on one side. Her health is also deteriorating day by day. Therefore, the application be accepted.

Notice of the application was given to the respondent, who was duly served and has appeared through counsel who has filed reply, vehemently contesting the application, praying for dismissal of the same.

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, Amritsar, is withdrawn from that Court and transferred to the Court of District Judge, Chandigarh, for disposal in accordance with law. The District Judge, Chandigarh, may retain the petition on his Board or transfer it to any other Court of competent jurisdiction. Parties

through counsel are directed to appear there on 30.9.2019.

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

26.8.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No