

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

TA-135-2019 (O&M)

Date of decision: 04.09.2019

Sweety

...Applicant

Versus

Amit

...Respondent

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

Present: Mr. Gautam Kaile, Advocate for  
Mr. Gourav Verma, Advocate for the applicant.

Mr. Balkar Singh, Advocate for the respondent.

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

**CM-17742-CII-2019**

This is an application for placing on record the reply on behalf of the respondent. Heard. Allowed subject to all just exceptions. Reply be made part of the record.

**Main Case**

Applicant Sweety, aged about 39 years, estranged wife of respondent Amit, presently residing with her parental family at Nabha, District Patiala, on account of matrimonial discord between the spouses, by way of filing the present application, seeks transfer of divorce petition, filed by her husband, the respondent against her having title 'Amit Vs. Sweety' pending in the Court of Principal Judge, Family Court, Rohtak to the Court of competent jurisdiction at Patiala.

As per version of the applicant, she was married with the respondent on 02.08.2013. Thereafter, they started residing together, however, the couple was not blessed with any child. The applicant came to know that the respondent is a drunkard and smoker and is addicted to various other intoxicants. He used to beat her quite often. The applicant was harassed and maltreated, since she could not get the demands of more dowry raised by the respondent fulfilled from her parental family. Ultimately, she was forced to leave the matrimonial home. She had no other place to go except parental place at Nabha, where she is putting up now. She does not have any source of income. Her parents have expired. She has filed complaint to the police against the respondent and his family members at Patiala. The respondent has filed the petition in question against the applicant as a tool of harassment. The applicant being a young woman, having no source of income, with no male member in the family being there to accompany her, it is difficult for her to travel from her parental place to Rohtak, to attend the dates of hearing in the Court there, covering a distance of about 220 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 Principal Judge, Family Court, Rohtak and transferred to Family Court at Patiala for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 15.10.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

04.09.2019

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**(H.S. MADAAN)**  
**JUDGE**

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