

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

TA-145-2019 (O&M)

Date of decision: 06.09.2019

Raj Rani

...Applicant

Versus

Anil Karwasra

...Respondent

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

Present: Mr. Dinesh Arora, Advocate for the applicant.

Mr. Subhash Godara, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Raj Rani, aged about 36 years, estranged wife of respondent Anil Karwasra, presently residing with her parents at Village Agroha Dhani, Tehsil & District Hisar, 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 'Anil Karwasra Vs. Raj Rani' pending in the Court of Addl. District Judge, Fatehabad to the Court of competent jurisdiction at Hisar.

According to the applicant, the marriage between the parties was solemnized on 18.10.2013 at Hisar. Thereafter, they started residing together. The marriage was consummated and they were blessed with a daughter presently aged about 05 years. The applicant was harassed by the respondent on account of demand of dowry. She

was pressurized for termination of pregnancy but she refused to do so. In the month of October, 2018, she was forcibly taken away by her brother in-law, namely, Vijay. As such, she was compelled to lodge an FIR No.420 dated 28.10.2018, under Sections 323 and 354-A IPC at PS Sadar Faridabad. She was hospitalized also. She was pressurized to withdraw the case and for that reason, she was taken to her parental house at Agroha. Since, there was no change in the behaviour of the respondent and he did not show any positive sign to her towards settlement, the applicant has filed a petition under Section 125 Cr.P.C. for herself and on behalf of minor daughter against the respondent in Court at Hisar, notice of which has been issued to the respondent. The respondent has filed the petition in question against the applicant just to harass her. She does not have any source of income and is dependent upon her parents for meeting her financial needs and those of minor daughter of the parties, who is school going. Under the circumstances, it is difficult for her to travel from her parental place to Fatehabad, to attend the dates of hearing in the Court there, covering a distance of about 60 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 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 Addl. District Judge, Fatehabad and transferred to Family Court at Hisar for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 17.10.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

06.09.2019

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(H.S. MADAAN)
JUDGE

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