

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

TA-154-2019 (O&M)

Date of decision: 21.08.2019

Sumitra @ Madhu

...Applicant

Versus

Raj Kumar

...Respondent

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

Present: Mr. S.R. Hooda, Advocate for the applicant.

Mr. Manav Bajaj, Advocate for the respondent.

\*\*\*\*

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

Applicant Sumitra @ Madhu, aged about 28 years, estranged wife of respondent Raj Kumar, presently residing with her parental family members at Kalanaur, District Rohtak 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 'Raj Kumar Vs. Sumitra @ Madhu @ Babli' pending in the Court of District Judge, Chandigarh to the Court of competent jurisdiction at Rohtak.

As per version of the applicant, she was married with respondent Raj Kumar on 09.08.2013 as per Hindu rites and ceremonies at Kalanaur, District Rohtak. The spouses started residing together, however, the marriage ran into rough weather. The couple was not blessed with any child. The applicant was forced to leave the matrimonial home. She had no other place to go except the house of her parental family members at Rohtak. She has filed a petition under Section 125 Cr.P.C. against the respondent in Court at Rohtak, where the respondent has put in appearance.

She has also got registered an FIR No. 12 dated 11.02.2018 under Sections 406, 498-A, 506, 313 and 34 IPC against the respondent at Women Police Station Rohtak. In that case, the challan has been filed. The respondent has filed the petition in question against the applicant just to harass her. The applicant does not have any source of income. Under the circumstances, it is difficult for the applicant to travel from her parental place to Chandigarh to attend the dates of hearing in the Court there, covering a distance of about 300 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 Ray** Versus **Ravibhai Govindbhai Ray**, 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 District Judge, Chandigarh and transferred to Family Court at Rohtak for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 24.09.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

21.08.2019

*sumit.k*

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

Whether speaking/reasoned :  
Whether Reportable :

|     |    |
|-----|----|
| Yes | No |
| Yes | No |