

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

TA-153-2019 (O&M)

Date of decision: 04.09.2019

Monika

...Applicant

Versus

Ajay

...Respondent

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

Present: Mr. Ravinder Hooda, Advocate for the applicant.

Ms. Ramandeep Kaur, Advocate for
Mr. Samir Rathaur, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

This application for transfer of petition under Section 12(1) (C) of the Hindu Marriage Act, titled 'Ajay Vs. Monika' pending in the Court of District Judge, Chandigarh to the Court of competent jurisdiction at Rohtak, has been filed by applicant Monika, aged about 20 years, estranged wife of respondent Ajay, presently residing with her parents at Village Balamba, Tehsil Meham, District Rohtak, due to differences between the spouses.

As per version of the applicant, she got married with the respondent on 14.12.2015. Thereafter, they started residing together, however, the couple was not blessed with any child. The applicant was harassed, maltreated and treated with cruelty by the respondent and his family members, since she was unable to meet their demands for bringing more dowry from her parents. Ultimately, she was forced to leave the

matrimonial home. She had no other place to go except parental place at Village Balamba, Tehsil Meham, District Rohtak, where she is putting up now. She does not have any source of income and is dependent upon her parents for meeting her financial needs. She has filed a petition under Section 125 Cr.P.C. besides another petition under provision of Protection of Women from Domestic Violence Act, 2005 against the respondent in Courts at Rohtak. Furthermore, she has got registered an FIR under Sections 498-A etc. IPC against the respondent and he is facing trial in that case in Court at Rohtak. The respondent has filed the petition in question against the applicant to cause harassment and inconvenience to her. The applicant being a young woman, having financial constraints, it is difficult for her to travel from her parental place to Chandigarh, to attend the dates of hearing in the Court there, covering a distance of about 250 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 District Judge, Chandigarh and transferred to Family Court at Rohtak 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

sumit.k

(H.S. MADAAN)

JUDGE

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