

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

TA-159-2019 (O&M)

Date of decision: 05.09.2019

Ruby

...Applicant

Versus

Madan Lal

...Respondent

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

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

Mr. Dinesh Maurya, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

This application for transfer of divorce petition, titled 'Madan Lal Vs. Ruby' pending in the Court of District Judge (Addl. Family Court), Karnal to the Court of competent jurisdiction at Yamuna Nagar at Jagadhri, has been filed by applicant Ruby, aged about 30 years, estranged wife of respondent Madan Lal, presently residing with her parents at Village Nandpur, District Saharanpur (UP), due to differences between the spouses.

According to the applicant, she was married with the respondent on 07.11.2013. Thereafter, they started residing together. The marriage was consummated. The couple was blessed with a son, namely, Master Ravi on 03.08.2014. On account of frequent demands of more dowry raised by the respondent and his family members, which the applicant could not get fulfilled, she was used to be harassed

and maltreated and ultimately, she was turned out of the matrimonial home. She had no other place to go except the house of her parents at Village Nandpur, District Saharanpur (UP), where, she is putting up presently along with minor son of the parties. She does not have any source of income and is dependent upon her parents for meeting her financial needs and those of minor son of the parties. She has filed a petition under Section 125 Cr.P.C. against the respondent in Court at Saharanpur. She has also lodged an FIR No. 270 dated 02.10.2014 for offences under Sections 498-A etc. IPC against the respondent and the proceedings are pending before ACJM (IV), Saharanpur. The respondent has filed the petition in question against the applicant just to harass her. The applicant being a young woman, having no source of income, taking care of minor son of the parties, it is difficult for her to travel from her parental place to Karnal, to attend the dates of hearing in the Court there, covering a distance of about 130 kms on one side. Therefore, the present application be accepted and the petition in question be transferred to Yamuna Nagar at Jagadhri, which is nearest place in Haryana from parental place of the applicant in UP.

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 District Judge (Addl. Family Court), Karnal and transferred to Family Court at Yamuna Nagar at Jagadhri for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 16.10.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

05.09.2019

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(H.S. MADAAN)
JUDGE

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