

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

TA-188-2019 (O&M)

Date of decision: 24.07.2019

Ritu Verma

...Applicant

Versus

Mohit Verma

...Respondent

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

Present: Mr. Ram Pal Verma, Advocate for the applicant.

Mr. V.K. Kaushal, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

This application for transfer of divorce petition, titled 'Mohit Verma Vs. Ritu Verma' pending in the Court of Addl. District Judge, SAS Nagar (Mohali) to the Court of competent jurisdiction at Sonapat, has been filed by applicant Ritu Verma, aged about 25 years, estranged wife of respondent Mohit Verma, presently residing with her parents at Sonapat, on account of differences between the spouses.

According to the applicant, the marriage solemnized between the parties on 14.02.2014 did not work on account of harassment and maltreatment meted out to the applicant by the respondent and his family members on account of failure of applicant to get the demands for more dowry raised by them conceded. The couple was blessed with a son, who is having a medical problem. The applicant was turned out of the matrimonial home in September 2018. She had no other place to go

except the house of her parents. Minor son of the parties, presently aged about 04 years is residing with the applicant. The applicant does not have any source of income. 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. She has also got registered an FIR No.0019 dated 08.11.2018, for offences under Sections 323, 354, 376, 377, 406, 498-A, 506 and 34 IPC against the respondent and his family members at Women Police Station Sonapat. The applicant being a young woman, having financial constraints, taking care of minor son of the parties, it is difficult for her to travel from her parental place to SAS Nagar (Mohali), 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 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, SAS Nagar (Mohali) and transferred to Family Court at Sonapat for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 27.08.2019. Copies of orders be sent to both the

Courts for information and necessary compliance.

To address the apprehension of the respondent with regard to his safety, SP, Sonapat is directed to ensure that no physical harm is caused to the respondent or any person accompanying him to Sonapat in connection with the dates of hearing in the Court there.

24.07.2019

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(H.S. MADAAN)
JUDGE

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