

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

TA-221-2019 (O&M)

Date of decision: 16.10.2019

Salochana Devi

...Applicant

Versus

Sanjay Kumar

...Respondent

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

Present: Mr. Shubhashish Kukreti, Advocate for the applicant.

Mr. Dharamvir Sharma, Advocate for

Mr. S.K. Kaushik, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Salochana Devi, aged about 27 years, estranged wife of respondent Sanjay Kumar, presently residing with her parents at Balbhera, District Patiala, 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 'Sanjay Kumar Vs. Salochana Devi' pending before Addl. District Judge, Kaithal to the Court of competent jurisdiction at Patiala.

According to the applicant, she does not have any source of income and is dependent upon her parents for meeting her financial needs. She is taking care of minor daughter of the parties, who is aged about 2 years. She has filed a petition under Section 9 of the Hindu Marriage Act which is pending in Court at Patiala. Under the circumstances, it is difficult for her to travel from her parental place to

Kaithal, to attend the dates of hearing in the Court there. 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, contending that the distance between the two places is little more than 30 kms, therefore, the applicant can easily travel that distance, so as to put in appearance in the Court at Kaithal.

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, Kaithal and transferred to Family Court at Patiala for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 15.11.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

16.10.2019

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(H.S. MADAAN)
JUDGE

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