

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

TA-263-2019 (O&M)
Date of decision: 22.10.2019

Babita

...Applicant

Versus

Pardeep Sharma

...Respondent

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

Present: Mr. R.K. Saini, Advocate for the applicant.

Mr. Lajpat Sharma, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Babita, aged about 27 years, estranged wife of respondent Pardeep Sharma, presently residing with her parents at VPO Radhana, Tehsil & District Jind, 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 'Pardeep Sharma Vs. Babita' pending in the Court of Addl. District Judge, Chandigarh to the Court of competent jurisdiction at Jind.

According to the applicant, the marriage solemnized between the parties on 13.07.2013 did not work, though, the couple was blessed with a son, namely, Master Dhruv, born on 12.07.2014. On account of harassment and maltreatment meted out to the applicant at the hands of respondent and his family members, the applicant along with minor son

had to leave the matrimonial home and start residing with her parents. The applicant does not have any source of income. She has filed a petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 against the respondent in Court at Jind. She has also got registered an FIR No. 11 dated 19.09.2015, under Sections 498-A and 506 IPC against the respondent at Women Police Station Jind. The respondent has filed the petition in question against the applicant just to harass her. Under the circumstances, it is difficult for her to travel from her parental place to Chandigarh, 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.

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, Chandigarh and transferred to Family Court at Jind for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 22.11.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

22.10.2019

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(H.S. MADAAN)
JUDGE

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