

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

TA-266-2019 (O&M)

Date of decision: 16.09.2019

Parul Sharma

...Applicant

Versus

Sushil Kumar Sharma

...Respondent

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

Present: Mr. Namit Khurana, Advocate for the applicant.

Mr. R.S. Randhawa, Advocate for the respondent.

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**H.S. MADAAN, J. (Oral)**

Applicant Parul Sharma, aged about 38 years, estranged wife of respondent Sushil Kumar Sharma, presently residing with her parents at Yamuna Nagar, 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 'Sushil Kumar Sharma Vs. Parul Sharma' pending in the Court of Principal Judge, Family Court, Gurugram to the Court of competent jurisdiction at Yamuna Nagar at Jagadhri.

According to the applicant, the marriage between the parties was solemnized on 26.04.2002. Thereafter, they started residing together. The marriage was consummated and they were blessed with a son, namely Harshul and one daughter, namely Sajal. On account of harassment and maltreatment meted out to the applicant at the hands of

respondent and his family members in connection with demand of more dowry, the applicant was forced to leave the matrimonial home and start residing with her parents at Yamuna Nagar. 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 submitting a criminal complaint against the respondent to the police in which registration of FIR has been ordered. The applicant being a young woman, having no source of income, it is difficult for her to travel from her parental place to Gurugram, to attend the dates of hearing in the Court there, covering a distance of about 220 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 Ray**, 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 Principal Judge, Family Court, Gurugram 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 18.10.2019. 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, Yamuna Nagar at Jagadhri is directed to ensure that no physical harm is caused to the respondent or any person accompanying him to Yamuna Nagar at Jagadhri in connection with the dates of hearing in the Court there.

16.09.2019  
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**(H.S. MADAAN)**  
**JUDGE**

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