

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 536 of 2019 (O&M)

Date of decision : 2.11.2019

Nirdesh Rajoriya

...

.....Applicant

vs.

Inder Dev

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr.J.P. Jangu, Advocate for the applicant.

Mr. Nishant Arya, Advocate for the respondent

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H. S. Madaan, J. (Oral)

Applicant – Nirdesh Rajoriya, aged about 26 years, estranged wife of Inder Dev, presently residing with her parents at Dharuhera, District Rewari, on account of matrimonial discord between the parties, has filed the instant application under Section 24 CPC, seeking transfer of divorce petition, filed by her husband, who is respondent in the present application, against her, having title 'Inder Dev vs. Nirdesh' pending in the Court of District Judge, Mewat, to a Court of competent jurisdiction at Rewari.

As per aversion of the applicant, marriage solemnized between the spouses on 15.2.2017 at Nagina Garden, Dharuhera Road, Bhiwadi, ran into rough weather. The couple was not blessed with any child. The applicant was harassed and maltreated in

connection with demand of more dowry, by the respondent and his family members. The applicant could not get such demands fulfilled from her parents. Ultimately, she was turned out of the matrimonial home on 6.7.2018. she had no other place to go, except the house of her parents at Rewari. She had filed complaint to SP Rewari, against the respondent and his family members, on the basis of which formal FIR was registered against the respondent and his family members at Police Station Rewari. She has filed a petition under Section 125 Cr.P.C. against the respondent before Family Court Rewari. As a counter blast the respondent has filed a divorce petition against the applicant in the Court at Mewat. Under the circumstances, it is difficult for the applicant to travel from her parental place to Mewat to attend the dates of hearing in the Court there, covering a distance of about 70-75 kms on one side. Therefore, Therefore the application be accepted.

Notice of the application was given to the respondent, who was served and has appeared through counsel. Though no written reply has been filed, but the application is being opposed vehemently praying that the same be dismissed.

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, I find that ends of justice demand that the application be allowed.

Accordingly, the application is accepted. The petition in question pending in the court of District Judge, Mewat, is withdrawn from that Court and transferred to the Family Court, Rewari, for disposal in accordance with law. Parties through counsel are directed to appear there on 3.12.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

2.11.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No