

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

T.A. No. 312 of 2019

DATE OF DECISION :- December 04, 2019

Ruchika Goyal

...Applicant

Versus

Nikhil Goyal

...Respondent

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

Present:- Mr. G.S. Sidhu, Advocate for the applicant.

Mr. Ankur Bansal, Advocate for the respondent.

Applicant Ruchika Goyal, aged about 30 years, estranged wife of Nikhil Goyal-respondent, presently residing with her parents at Patiala on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Nikhil Goyal against her having title 'Nikhil Goyal Vs. Ruchika Goyal' pending in the Court of Principal Judge, Family Court, Jalandhar to the Court of competent jurisdiction at Patiala.

According to the applicant, the marriage performed between the parties on 22.4.2015 ran into rough weather on account of demand of dowry by respondent and his family members. They were not blessed with any child. The applicant had to leave the matrimonial home and start residing with her parents. She does not have any source of income. She has filed an

F.I.R. No. 060 dated 18.6.2017 under Sections 498-A, 406 IPC with Police Station Women, City Patiala against the respondent and his family members. She has also filed petition under Section 125 Cr.P.C. against the respondent for maintenance. It is difficult for her to travel from Patiala to Jalandhar covering a distance of 160 kms on one side so as to attend the dates of hearing in the Court there, therefore, the application be accepted.

Notice of the application was given to the respondent, who has appeared through counsel vehemently opposing the application.

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 Principal Judge, Family Court, Jalandhar and transferred to Family Court at Patiala for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 8.1.2020. Copies of orders be sent to the Court of Principal Judge, Family Court, Jalandhar as well as to the Family Court at Patiala for information and necessary compliance.

(H.S. MADAAN)
JUDGE

December 04, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No