

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

TA-373-2019 (O&M)

Date of decision: 29.08.2019

Ruchi

...Applicant

Versus

Nitin Rana

...Respondent

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

Present: Mr. Jagjot Singh, Advocate for
Mr. Kunal Dawar, Advocate for the applicant.

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

H.S. MADAAN, J. (Oral)

Applicant Ruchi, aged about 30 years, estranged wife of respondent Nitin Rana, presently residing with her parents at Faridabad, 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 'Nitin Rana Vs. Ruchi' pending in the Court of Addl. District Judge, Palwal to the Court of competent jurisdiction at Faridabad.

As per version of the applicant, she was married with the respondent on 28.01.2014 at Faridabad. Thereafter, they started residing together and the couple was blessed with a son on 07.07.2017. On account of demand of dowry raised by the respondent and his family members, which she could not get fulfilled from her parents, the applicant was harassed, beaten up, tortured and situation became so bad that she

had to leave the matrimonial home and started residing with her parents at Faridabad. She has got registered an FIR No.71 dated 14.02.2019 under Sections 498-A etc. IPC against the respondent at PS SGM Nagar, Faridabad. She does not have any source of income and is dependent upon her parents for meeting her financial needs and those of her son. As a counter blast, the respondent has filed the petition in question against the applicant just to harass her. The applicant being a young woman, having no source of income, it is difficult for her to travel from her parental place to Palwal, 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, 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 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, Palwal and transferred to Family Court at Faridabad for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 03.10.2019. 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, Commissioner of Police, Faridabad is directed to ensure that no physical harm is caused to the respondent or any person

accompanying him to Faridabad in connection with the dates of hearing in the Court there.

29.08.2019

sumit.k

(H.S. MADAAN)
JUDGE

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