

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

TA-402-2019 (O&M)

Date of decision: 13.11.2019

Khushboo Garg

...Applicant

Versus

Deepak Garg

...Respondent

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

Present: Mr. Sandeep Punchhi, Advocate for the applicant.

Mr. Suvir Sidhu, Advocate with
Mr. Mandeep Singla, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Khushboo Garg, aged about 27 years, estranged wife of respondent Deepak Garg, presently residing with her widowed mother at Sirsa, on account of matrimonial discord between the spouses, by way of filing the present application, seeks transfer of petition under Section 11 of the Hindu Marriage Act, filed by her husband, the respondent against her having title 'Deepak Garg Vs. Khushboo Garg' pending in the Court of District Judge, Family Court, Barnala to the Court of competent jurisdiction at Sirsa.

According to the applicant, the marriage solemnized between the parties on 14.04.2017 did not work, though, the couple was blessed with a female child, namely Bhavaya on 11.02.2018. 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 along with minor daughter was forced to leave the matrimonial home and start residing with her mother. The applicant along with her minor daughter has filed a petition under Section 125 Cr.P.C. against the respondent in Court at Sirsa. She has also got registered an FIR No.584 dated 23.06.2018 under Sections 324, 406 and 498-A IPC against the respondent at PS Sirsa. 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 Barnala, 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 District Judge, Family Court, Barnala and transferred to Family Court at Sirsa for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 12.12.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

13.11.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No