

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TANo. 390 of 2019 (O&M)

Date of decision : 4.10.2019

Suruchi Jain

...

.....Applicant

vs.

Nitin Jain

.....Respondent

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

Present: Mr. Brijender Kaushik, Advocate for the applicant.

Mr. K.S. Chahal, Advocate for the respondent.

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

Applicant – Suruchi Jain, aged about 40 years, estranged wife of Nitin Jain, presently residing with her parents at Ambala Cantt., 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 'Nitin Jain vs. Suruchi Jain' pending in the Court of Principal Judge, Family Court, Hoshiarpur, to a Court of competent jurisdiction at Ambala.

According to the applicant, on account of maltreatment and harassment meted out to the applicant by the respondent and his family members, in connection with demand of dowry, she had to leave the matrimonial home and start residing with her parents at

Ambala Cantt. She is taking care of son of the parties, presently aged a little more than 19 years. She is employed in a school and is getting Rs.10,000/- per month, which amount is hardly sufficient for meeting her needs and that of her son. She has filed a petition under Section 125 Cr.P.C. against the respondent in the Court at Ambala. The respondent has brought a divorce petition against her in the Court at Ludhiana, to cause harassment and inconvenience to the applicant. Under the circumstances, it is difficult for the applicant to go from her parental place to Ludhiana, to attend the dates of hearing in Court there. Therefore the application be accepted.

Notice of the application was given to the respondent, who was duly served and has put in appearance through counsel, 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, 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 Principal Judge, Family court, Hoshiarpur, is withdrawn from that Court and transferred to the Family Court, Ambala, for disposal in accordance with law. Parties through counsel are directed to appear there on 29.10.2019.

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

**4.10.2019**  
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**( H.S. Madaan )**  
**Judge**

Whether speaking / reasoned  
Whether reportable

Yes/ No  
Yes/ No