

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

TA-396-2019 (O&M)
Date of decision: 29.08.2019

Rinki Devi @ Riya

...Applicant

Versus

Ankush

...Respondent

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

Present: Mr. Sunny Dhull, Advocate for the applicant.

Mr. Jitender Nara, Advocate for
Mr. A.K. Malik, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Rinki Devi @ Riya, aged about 25 years, estranged wife of respondent Ankush, presently residing with her parents at Village Jhaguri, District Yamuna Nagar, 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 'Ankush Vs. Rinki Devi @ Riya' pending in the Court of Addl. District Judge, Kurukshetra to the Court of competent jurisdiction at Yamuna Nagar at Jagadhri.

As per version of the applicant, she was married with the respondent on 22.02.2015. Thereafter, they started residing together and the couple was blessed with a daughter, namely Baby Anshika on 29.07.2016. 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 Village Jhaguri, District Yamuna Nagar. She has filed a petition under Section 125 Cr.P.C. besides another petition under provision of Protection of Women from Domestic Violence Act, 2005 against the respondent in Courts at Yamuna Nagar at Jagadhri. 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 Kurukshetra, to attend the dates of hearing in the Court there, covering a distance of about 70 kms on one side. 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 Ray, 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, Kurukshetra and transferred to Family Court at Yamuna Nagar at Jagadhri 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.

29.08.2019

sumit.k

(H.S. MADAAN)
JUDGE

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