

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

TA-444-2019 (O&M)

Date of decision: 05.09.2019

Gagan @ Goggo

...Applicant

Versus

Ajay

...Respondent

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

Present: Mr. A.K. Sama, Advocate for the applicant.

Mr. Ramanjeet Singh, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Gagan @ Goggo, aged about 24 years, estranged wife of respondent Ajay, presently residing with her parents at Abohar, District Fazilka, on account of matrimonial discord between the spouses, by way of filing the present application, seeks transfer of petition under Section 9 of the Hindu Marriage Act, filed by her husband, the respondent against her having title 'Ajay Vs. Gagan @ Goggo' pending in the Court of Civil Judge (Sr. Divn.) exercising the powers of District Judge, Fatehgarh Sahib to the Court of competent jurisdiction at Abohar, District Fazilka.

According to the applicant, she got married with the respondent in the year 2013. Thereafter, they started residing together. The marriage was consummated, however, the couple was not blessed with any child. The applicant used to be harassed and maltreated by the

respondent and his relatives in connection with demand of more dowry, which she could not get fulfilled from her relatives. Resultantly, she was turned out of the matrimonial home in the month of November 2018. She had no other place to go except the house of her parents at Abohar, District Fazilka. She does not have any source of income. 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 Abohar. 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 Fatehgarh Sahib, to attend the dates of hearing in the Court there, covering a distance of about 250 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, 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 Civil Judge (Sr. Divn.) exercising the powers of District Judge, Fatehgarh Sahib and transferred to the Court of learned District Judge, Fazilka for disposal in accordance with law. Learned District Judge, Fazilka may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through counsel are directed to appear in the transferee Court on 16.10.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

05.09.2019

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(H.S. MADAAN)
JUDGE

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