

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

TA-448-2019 (O&M)

Date of decision: 22.08.2019

Madhvi

...Applicant

Versus

Mohit

...Respondent

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

Present: Mr. Anshul Sharma, Advocate for the applicant.

Mr. D.S. Matya, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Madhvi, aged about 32 years, estranged wife of respondent Mohit, residing separately 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 'Mohit Vs. Madhvi' pending in the Court of Addl. Principal Judge, Family Court, Ambala to the Court of competent jurisdiction at Patiala.

As per version of the applicant, the marriage solemnized between the parties on 15.02.2017 at Patiala ran into rough weather. The couple was not blessed with any child. The applicant was forced to leave the matrimonial home on 03.07.2018. She had no other place to go except the house of her parents at Patiala. She has got registered an FIR No. 06 dated 12.01.2019 under Sections 406 and 498-A IPC against the respondent and his family members. The respondent had submitted a false

complaint against the father of the applicant on the basis of allegations for duping him of Rs. 8 lacs on the pretext of getting government job in Punjab. However, after enquiry that complaint was filed. The applicant does not have any source of income and is dependent upon her parents for meeting her financial needs. The respondent has filed the petition in question against the applicant just to harass her. Under the circumstances, it is difficult for the applicant to travel from her parental place to Ambala to attend the dates of hearing in the Court there, covering a distance of about 50 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, contending that on account of influence and political clout of father of the applicant, the respondent has got genuine apprehension of physical harm, if he is required to go to Patiala to attend the dates of hearing in a Court there. Therefore, the application be dismissed.

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. Principal Judge, Family Court, Ambala and transferred to Family Court at Patiala for disposal in accordance with law.

With regard to allegations of father of application having

political clout and connections at Patiala, it needs to be observed that no person can dare to interfere in the judicial proceedings. Therefore, political connections or influence over local contacts are not going to affect the course of justice.

To address the apprehension of the respondent with regard to his safety, SSP, Patiala is directed to ensure that no physical harm is caused to the respondent or any person accompanying him to Patiala in connection with the dates of hearing in the Court there.

The parties through counsel are directed to appear in the transferee Court on 25.09.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

22.08.2019

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(H.S. MADAAN)
JUDGE

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