

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

T.A. No. 451 of 2019 (O&M)

DATE OF DECISION :- November 29, 2019

Reetu

...Applicant

Versus

Mandeep

...Respondent

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

Present:- Mr. Sansar Kundu, Advocate for the applicant.

Mr. Ravinder Malik, Advocate for the respondent.

Applicant Reetu, aged about 24 years, estranged wife of Mandeep-respondent, presently residing with her parents at Jind on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Mandeep against her having title 'Mandeep Vs. Ritu' pending in the Court of Principal Judge, Family Court, Rohtak to the Court of competent jurisdiction at Jind.

According to the applicant, the marriage performed between the parties on 11.11.2016 ran into rough weather though the couple was not blessed with any child. On account of demand of more dowry by respondent and his family members, she had to leave the matrimonial home and start residing with her parents. The applicant has filed petition under Section 125

Cr.P.C. against the respondent for maintenance. She has also lodged an F.I.R. No. 115 dated 12.6.2018 under Sections 323, 498A, 506, 354A, 406, 34 IPC in Women Police Station, Jind. She does not have any source of income and is dependent upon her parents. It is difficult for her to travel from Jind to Rohtak covering a distance of 70 kms on one side so as to attend the dates of hearing in the Court there, therefore, the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel by filing written reply and is vehemently opposing the application.

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

The parties through their counsel are directed to appear in the transferee Court on 20.12.2019. Copies of orders be sent to the Court of Principal Judge, Family Court, Rohtak as well as to the Family Court at Jind for information and necessary compliance.

(H.S. MADAAN)
JUDGE

November 29, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No