

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

Sr. No.260

**TA No.469 of 2019 (O&M)
DECIDED ON: October 30, 2019**

PREETI

..APPLICANT

VERSUS

RAJ KUMAR

...RESPONDENT

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

Present: Mr. Avtar Singh, Advocate, for the applicant.

Mr. Akhil Bhasin, Advocate for the respondent.

H.S. MADAAN, J. (ORAL)

Applicant Preeti, aged about 31 years, estranged wife of Raj Kumar -respondent, presently residing with her parents at Yamuna Nagar, on account of matrimonial discord between the parties, by way of filing the instant application seeks transfer of petition under Section 13-A of the Hindu Marriage Act filed by her husband Raj Kumar against her having title 'Raj Kumar Vs. Preeti' pending in the Court of Principal Judge, Family Court, Kurukshetra to the Court of competent jurisdiction at Yamuna Nagar at Jagadhri.

According to the applicant, the marriage solemnized between the parties on 17.08.2003 at Yamuna Nagar, did not prove to be successful. Though the couple was blessed with two children i.e. one son namely Sagar who was born on 27.09.2004 and one daughter namely Divya who was born on 05.09.2006. The applicant was treated with cruelty by the respondent as respondent is a drug addict. In the month of February, 2016, the applicant was turned out from the matrimonial home in three wearing clothes. She

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had no other place to go except the house of her parents at Yamuna Nagar. She does not have any source of income. She has filed a petition under Section 125 Cr.P.C. claiming maintenance for herself and the minor children against the respondent, which is pending before Principal Judge, Family Court, Yamuna Nagar at Jagadhri. As a pressure tactic, the respondent has filed a petition under Section 13-A of the Hindu Marriage Act against her, which is pending before Principal Judge, Family Court, Kurukshetra. Under the circumstances, it is difficult for her to travel from Yamuna Nagar to Kurukshetra covering a distance of about 50 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, 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

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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 is ordered to be withdrawn from the Court of Principal Judge, Family Court, Kurukshetra and transferred to the Family Court, Yamuna Nagar at Jagadhri, for disposal in accordance with law.

Parties through counsel are directed to appear in the transferee Court on 29.11.2019.

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

October 30, 2019

Ankur

**(H.S. MADAAN)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No