

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

T.A. No. 545 of 2019

DATE OF DECISION :- November 29, 2019

Santosh

...Applicant

Versus

Parveen

...Respondent

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

Present:- Mr. Sumit Sangwan, Advocate for the applicant.

Mr. Wazir Singh, Advocate for the respondent.

Applicant Santosh, aged about 26 years, estranged wife of Parveen-respondent, presently residing with her widowed mother at Bhiwani on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband Parveen against her having title 'Parveen Vs. Santosh' pending in the Court of Principal Judge, Family Court, Panipat to the Court of competent jurisdiction at Bhiwani.

According to the applicant, the marriage performed between the parties on 17.5.2010 ran into rough weather though the couple was not blessed with any child. On account of maltreatment and harassment by respondent and his family members, she had to leave the matrimonial home and start residing with her widowed mother. The applicant has filed petition under Section 125 Cr.P.C. against the respondent for maintenance. She has

also filed a petition under Section 12 of Domestic Violence Act. She has lodged an F.I.R. No. 142 dated 17.2.2019 under Sections 323, 498A, 506 IPC in Police Station City Bhiwani. She does not have any source of income. It is difficult for her to travel from Bhiwani to Panipat covering a distance of 130 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 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, Panipat and transferred to Family Court at Bhiwani 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, Panipat as well as to the Family Court at Bhiwani for information and necessary compliance.

(H.S. MADAAN)
JUDGE

November 29, 2019
p.singh

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