

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

TA-548-2019 (O&M)
Date of decision: 01.11.2019

Ritu Prakash

...Applicant

Versus

Milan Babbar

...Respondent

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

Present: Mr. Arun Gupta, Advocate for
Mr. Rajesh Garg, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

Applicant Ritu Prakash, aged about 24 years, estranged wife of respondent Milan Babbar, presently residing with her parents at Ambala Cantt., on account of matrimonial discord between the spouses, by way of filing the present application, seeks transfer of divorce petition, filed by her husband, the respondent against her having title 'Milan Babbar Vs. Ritu Prakash' pending in the Court of Addl. District Judge, Chandigarh to the Court of competent jurisdiction at Ambala

On getting the notice, the respondent has appeared through Sh.Ankit Gupta, Advocate who has filed vakalatnama, which be taken on record. He states that he has no objection to the transfer of the petition but preferably it should be transferred to Court at Panchkula.

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 Ray** Versus **Ravibhai Govindbhai Ray**, 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 to transfer the case to Court of competent

jurisdiction at Ambala, rather than, transferring it to Court at Panchkula. Therefore, the application is accepted. The petition in question is ordered to be withdrawn from the Court of Addl. District Judge, Chandigarh and transferred to Family Court at Ambala for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 02.12.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

01.11.2019

sumit.k

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

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