

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

TA-595-2019

Date of decision: 19.11.2019

Poonam

...Applicant

Versus

Sunil Poonia

...Respondent

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

Present: Mr. Sandeep Singal, Advocate for the applicant.

Mr. A.K. Jain, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Poonam, aged about 35 years, estranged wife of respondent Sunil Poonia, presently residing with her parents at Jhajjar, 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 'Sunil Poonia Vs. Poonam' pending before Principal Judge, Family Court, Jind to the Court of competent jurisdiction at Jhajjar.

According to the applicant, the marriage solemnized between the parties on 12.12.2001 ran into rough weather. The couple was not blessed with any child. The applicant does not have any source of income and is dependent upon her parents for meeting her financial needs. The applicant has filed a complaint under Section 498-A IPC and a petition under Section 125 Cr.P.C., besides another petition under Section 12 of

Protection of Women from Domestic Violence Act, 2005 against the respondent in Courts at Bahadurgarh, District Jhajjar. The respondent has filed the petition in question against the applicant just to harass her. Under the circumstances, it is difficult for her to travel from her parental place to Jind, to attend the dates of hearing in the Court there. 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, 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 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, 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, Jind and transferred to Family Court at Jhajjar for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 18.12.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

19.11.2019

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(H.S. MADAAN)
JUDGE

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