

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

T.A. No. 613 of 2019

DATE OF DECISION :- November 18, 2019

Shelly Rani

...Applicant

Versus

Sunny

...Respondent

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

Present:- Mr. Gagandeep Singh Manku, Advocate for the applicant.

Mr. Rajiv Joshi, Advocate has appeared on behalf of respondent by filing vakalatnama, which be taken on record.

Applicant Shelly Rani, aged about 29 years, estranged wife of Sunny-respondent, presently residing with her parents at Amritsar, 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 Sunny against her having title 'Sunny Vs. Shelly Rani' pending in the Court of Principal Judge, Family Court, Jalandhar to the Court of competent jurisdiction at Amritsar.

According to the applicant, the marriage performed between the parties on 4.3.2017 did not work. The applicant was harassed for bringing less dowry by the respondent and his family members, therefore, she had to leave the matrimonial home and start residing with her parents since

12.8.2018. She does not have any source of income. She is taking care of minor daughter of the parties namely Ishanvi born on 6.8.2018. The respondent has filed the petition in question just to harass her. It is, difficult for her to travel from Amritsar to Jalandhar, covering a distance of about 90 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 his counsel 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, Jalandhar and transferred to Family Court at Amritsar for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 17.12.2019. Copies of orders be sent to the Court of Principal Judge, Family Court, Jalandhar as well as to the Family Court at Amritsar for information and necessary compliance.

(H.S. MADAAN)
JUDGE

November 18, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No