

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 1031 of 2017 (O&M)

Date of decision : 9.7.2019

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Pinki

.....Applicant

vs.

Pardeep

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Ravinder Phogat, Advocate for the applicant.

Mr.Amit Arora, Advocate for the respondent.

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H. S. Madaan, J. (Oral)

As per version of the applicant – Pinki, aged about 27 years, she has developed differences with her husband – Pardeep, respondent in the present application, as such is residing with her parents at village Pichopa Kalan, Tehsil Charkhi Dadri, earlier District Bhiwani, now District Charkhi Dadri, Haryana; that respondent is serving in the Air Force; that he has filed a divorce petition against her, which is pending in the Court of District Judge, Family Court, Rohtak. The applicant being a young woman, having no source of income, it is difficult for her to go from her parental place to Rohtak to attend the dates of hearing in Courts there. Furthermore, she had lodged FIR No. 65 dated 21.4.2012, for offences under Sections 498-A, 406, 506, 323, 120-B IPC, with

Police Station Badhra, District Charkhi Dadri, against the respondent and his family members, though they have been acquitted by the trial Court. The applicant has filed a petition for maintenance under Section 125 Cr.P.C., against the respondent, which has also been decided. Therefore the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel and has opposed 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 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 pending in the court of District Judge, Family Court, Rohtak, is withdrawn from that Court and transferred to the Family Court at Bhiwani, for disposal in accordance with law. Parties through counsel are directed to appear there on 8.8.2019.

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

9.7.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No