

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 1014 of 2018 (O&M)

Date of decision : 10.12.2019

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Priyanka Dhiman @ Malti Sethi

.....Applicant

vs.

Arvind Dhiman

.....Respondent

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

Present: Mr. Saurabh Singla, Advocate for the applicant.

Mr. G.S. Salana, Advocate for the respondent.

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H. S. Madaan, J. (Oral)

Applicant – Priyanka Dhiman @ Malti Sethi, aged about 36 years, estranged wife of Arvind Dhiman, presently residing with her parents at Zira, District Ferozpur, Punjab, has filed the instant application under Section 24 CPC, seeking transfer of petition under Section 13 of the Hindu Marriage Act, 1955, filed by her husband, who is respondent in the present application, against her, having title 'Arvind Kumar Dhiman vs. Priyanka Dhiman @ Malti Sethi' pending in the Court of Additional District and Sessions Judge, Fatehgarh Sahib, to a Court of competent jurisdiction at Ferozepur.

As per version of the applicant, marriage solemnized

between the spouses on 1.9.2004 at Mandi Gobindgarh, ran into rough weather. However, the couple was blessed with two sons, namely Manan Dhiman and Vanshik Dhiman. The applicant was harassed and maltreated in connection with demand of more dowry, by the respondent and his family members. The applicant could not get such demands fulfilled from her parents. Ultimately, she alongwith minor children of the parties was turned out of the matrimonial home in August 2017. She had no other place to go, except the house of her parents at Zira. The applicant had filed a complaint before Senior Superintendent of Police, Ferozepur, regarding maltreatment and harassment, demand of dowry and misappropriation of her Istri-dhan by the respondent and his family members on 14.7.2018. She has also filed a petition under Section 125 Cr.P.C. against the respondent which is pending in the Court of Sub Divisional Judicial Magistrate, Zira. She has also filed a complaint under Section 12 of the Protection of Woman from Domestic Violence Act, 2005 against the respondent and his parents before competent Courts at Zira. After inquiry, the police of Woman Police Station, Ferozepur, has registered FIR No. 4 dated 25.8.2018 for offences under Sections 498-A, 406, 323 IPC against the respondent. As a counter blast the respondent has filed a petition under Section 13 of the Hindu Marriage Act, against the applicant in the Court at Fatehgarh Sahib. The applicant being a young woman, taking care of the minor sons of the parties, having no source of income, it is difficult for the applicant to travel from her parental place to Fatehgarh Sahib, to attend the dates of hearing in the Court

there, covering a distance of about 155 kms on one side. Therefore, the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel, filed written reply vehemently opposing the application, 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 Additional District and Sessions Judge, Fatehgarh Sahib, is withdrawn from that Court and transferred to the Court of District Judge, Ferozepur, who may retain the case on his Board or assign it to any other Court of competent jurisdiction for disposal in accordance with law. Parties through counsel are directed to appear there on 10.1.2020.

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

10.12.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No