

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TANo. 1063 of 2018 (O&M)

Date of decision : 2.5.2019

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Ritu Chhabra @ Ritu Bala

.....Applicant

vs.

Sanjeev Kumar

.....Respondent

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

Present: Mr. Parveen Chauhan, Advocate for the applicant.

Mr. Rohit Dheer, Advocate for the respondent.

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H. S. Madaan, J. (Oral)

Applicant Ritu Chhabra @ Ritu Bala, aged about 29 years, estranged wife of Sanjeev Kumar, presently residing with her parents at Taraori, Tehsil Taraori, District Karnal, on account of matrimonial discord between the spouses, by way of filing the present application seeks transfer of divorce petition filed by her husband, who is respondent in the present application, against her, having title 'Sanjeev Kumar vs. Ritu Chhabra @ Reena', pending in the Court of Additional District Judge, Ludhiana, to a Court of competent jurisdiction at Karnal.

According to the applicant, the marriage between the parties which was solemnized on 29.8.2014, did not prove to be successful

and cracks started developing therein with the result the applicant was forced to leave the matrimonial home and start living with her parents at Karnal. She had lodged FIR No. 327, dated 20.10.2015 for offences under Sections 323, 406, 498-A IPC against respondent and his relatives at Police Station Taraori, District Karnal. Challan has been filed in the said case and the matter is pending trial. She has also filed a petition under various provisions of the Protection of Women from Domestic Violence Act, 2005, against the respondent and his family members in the Court of JMIC, Karnal. She has also filed a petition under Section 125 Cr.P.C. Against the respondent before District Judge (Additional Family Court), Karnal. In order to harass the applicant, the respondent has filed the divorce petition against her. According to the applicant, she being a young woman, having no source of income, fully dependent upon her parents for her financial needs, it is difficult for her to travel from her paternal place to Ludhiana, to attend the dates of hearing in Court there, as such the application be accepted.

Notice of the application was given to the respondent, who put in appearance through counsel, vehemently contesting 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 Judge, Ludhiana, is withdrawn from that Court and transferred to the Family Court, Karnal, for disposal in accordance with law. Parties through

counsel are directed to appear there on 29.5.2019.

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

2.5.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes/ No

Whether reportable

Yes/ No