

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

TA-1066-2018 (O&M)

Date of decision: 04.09.2019

Kriti Jain @ Kriti Mehta

...Applicant

Versus

Munish Jain

...Respondent

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

Present: Mr. Bhuvan Bhalla, Advocate for the applicant.

Mr. Karan Garg, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Kriti Jain @ Kriti Mehta, aged about 40 years, estranged wife of respondent Munish Jain, presently residing with her parental family at SAS Nagar (Mohali), on account of matrimonial discord between the spouses, by way of filing the present application, seeks transfer of petition under Section 12 of the Hindu Marriage Act, filed by her husband, the respondent against her having title 'Munish Jain Vs. Kriti Jain' pending in the Court of Addl. District Judge, Patiala to the Court of competent jurisdiction at SAS Nagar (Mohali).

As per version of the applicant, the parties tied the nuptial knot on 28.06.2017 at Chandigarh. Thereafter, they started residing together, however, the couple was not blessed with any child. The applicant was harassed, maltreated and even given beatings and she was called as a mad woman. The applicant had filed a complaint to the

police against the respondent and his family member with regard to demand of dowry, however, the matter was compromised but there was no improvement in the situation. Ultimately, the applicant was thrown out of the matrimonial home on 17.09.2017. She does not have any source of income and is residing with her widowed mother. She has filed a petition under Section 125 Cr.P.C. against the respondent in Court at Kharar. The respondent has filed the petition in question against the applicant just to harass her. The applicant being a young woman, having no source of income with no male member in the family to accompany her, it is difficult for her to travel from her parental place to Patiala, to attend the dates of hearing in the Court there, covering a distance of about 60 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent who put in appearance through counsel 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 Rav** 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 Addl. District Judge, Patiala and transferred to the Court of learned District Judge, SAS Nagar (Mohali)

for disposal in accordance with law. Learned District Judge, SAS Nagar (Mohali) may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through counsel are directed to appear in the transferee Court on 15.10.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

04.09.2019
sumit.k

(H.S. MADAAN)
JUDGE

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