

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

TA-1083-2018 (O&M)
Date of decision: 21.05.2019

Neelam Rani

...Applicant

Versus

Amit Sharma

...Respondent

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

Present: Mr. P.B.S. Goraya, Advocate for the applicant.

Mr. A.D.S. Sukhija, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

By way of moving the present application, applicant Neelam Rani, aged about 36 years, estranged wife of respondent Amit Sharma, presently residing with her parents at Tarn Taran, on account of matrimonial discord between the spouses, seeks transfer of divorce petition filed by her husband, the respondent against her having title 'Amit Sharma Vs. Neelam Rani' pending in the Court of Addl. District Judge, Family Court, Patiala to the Court of competent jurisdiction at Tarn Taran.

According to the applicant, the marriage solemnized between the parties ran into rough weather. Resultantly, she had to leave the matrimonial home and start residing with her parents at Tarn Taran. The applicant has lodged an FIR No. 198 dated 04.11.2017, for offences under Sections 498-A, 342 and 120-B of IPC against the respondent at Police Station City, Tarn Taran. The respondent has filed a divorce

petition against her as a pressure tactic. The applicant being a young woman, 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 220 kms on one side. Furthermore, she has strong apprehension that she would be harassed and threatened by the respondent and his family at Patiala. Therefore, the present application be accepted.

Notice of the application was given to the respondent who put in appearance and filed written reply, contesting the application, contending that the applicant had been in employment, posted at Patiala and she has concealed this fact from the Court, therefore, she is not entitled to any relief.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the applicant has contended that though the applicant was posted as a teacher in a school at Patiala but she is no longer working there and the school has not allowed her to join duties, obviously, for the reason of the litigation between the spouses and now, she is residing with her parents at Tarn Taran. I feel that in the matrimonial litigation, convenience of married girl is to be taken into account.

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 Addl. District Judge, Family Court, Patiala and transferred to the Court of learned District Judge, Tarn Taran for disposal in accordance with law. Learned District Judge, Tarn Taran may retain

the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 22.07.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

21.05.2019

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(H.S. MADAAN)
JUDGE

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