

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

T.A. No. 1093 of 2018

DATE OF DECISION :- March 26, 2019

Suman

...Applicant

Versus

Satinder Kumar and another

...Respondent

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

Present:- Mr. K.B. Sidhu, Advocate for the applicant.

Applicant Suman, aged about 30 years, wife of Satinder Kumar-respondent No. 1, presently residing with her parents at Village Dayalpur, District Kurukshetra on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Satinder Kumar against her having title 'Satinder Kumar Vs. Suman' pending in the before District Judge, Family Court, Ambala to the Court of competent jurisdiction at Kurukshetra.

According to the applicant, the marriage solemnized between the parties on 20.10.2009 at Village Dayalpur, District Kurukshetra did not work. The applicant had to leave the matrimonial home and start residing with her parents at Village Dayalpur, District Kurukshetra. She has filed a petition under Section 125 Cr.P.C. against the respondent in the Court at

Kurukshetra and has lodged an F.I.R. for offences under Sections 323, 34, 406, 498A, 506 IPC with Police Station Kurukshetra University, District Kurukshetra. Respondent no. 1 is putting in appearance in both the cases. He has filed the divorce petition against the applicant as a pressure tactic. The applicant being a young woman, taking care of minor son, aged about 7 years, who is School going, having no source of income, it is difficult for her to go from her parental place to Ambala to attend the dates of hearing in the Court there, therefore, the application be accepted.

Notice of the application was given to the respondent, who as per office report has been duly served through his counsel in the trial Court but has not turned up to offer a contest.

I have heard learned counsel for the applicant 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, 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 District Judge (Family Court), Ambala and transferred to Family Court at Kurukshetra for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 25.4.2019. Copies of orders be sent to the Court of District Judge (Family Court), Ambala as well as to the Family Court at Kurukshetra for information and necessary compliance.

(H.S. MADAN)
JUDGE

March 26, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No