

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

T.A. No. 1115 of 2018

DATE OF DECISION :- March 25, 2019

Rajbala

...Applicant

Versus

...Respondent

Mewa Singh

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

Present:- Mr. Vivek Khatri, Advocate for the applicant.

Applicant Rajbala, aged about 29 years, estranged wife of Mewa Singh-respondent, presently residing with her parents at Village Mingni Khera, Tehsil and District Hisar on account of matrimonial discord between the spouses by way of filing the instant application seeks transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband Mewa Singh against her having title 'Mewa Singh Vs. Rajbala' pending in the Court of Additional Civil Judge (Sr. Divn.), Jind to the Court of competent jurisdiction at Hisar.

According to the applicant, the marriage performed between the parties on 15.3.2009 did not work though the couple was blessed with two children i.e. a son namely Master Rohit, aged about 8 years and a daughter namely Baby Bhavna, aged about 6 years. Circumstances were so created by the respondent that applicant along with two minor children of the parties

had to leave the matrimonial home and start residing with her parents at Village Mingni Khera, Tehsil and District Hisar. The respondent has filed petition in question against the applicant as a pressure tactic. The applicant being a young woman, taking care of two minor children of the parties, having no source of income, it is difficult for her to travel from Hisar to Jind covering a distance of 100 kms on one side so as 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 he 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 Additional Civil Judge (Sr. Divn.), Jind and transferred to Family Court at Hisar for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 24.4.2019. Copies of orders be sent to the Court of Additional Civil Judge (Sr. Divn.), Jind as well as to the Family Court at Hisar for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 25, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No