

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

TA-1135-2018 (O&M)
Date of decision: 08.07.2019

Meenu

...Applicant

Versus

Manu Sharma

...Respondent

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

Present: Mr. K.S. Brar, Advocate for the applicant.

Mr. Shashank Sharma, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Meena, aged about 36 years, estranged wife of respondent Manu Sharma, by way of moving the present application, seeks transfer of divorce petition, filed by her husband, the respondent against her having title 'Manu Sharma Vs. Meenu' pending in the Court of District Judge, Chandigarh to the Court of competent jurisdiction at Bathinda.

According to the applicant, the marriage solemnized between the spouses on 01.07.2014 ran into rough weather. Resultantly, the applicant had to leave the matrimonial home and start residing with her parents at Bathinda. She is taking care of minor son of the parties. Her husband has filed the divorce petition against her in District Courts at Chandigarh just to cause harassment and inconvenience to her; that she is working as a Lecturer in a College at Bathinda and it is difficult for her to take leave and to go to Chandigarh, travelling a distance of about 250

kms on one side to attend the dates of hearing in the Court there.

Therefore, the present application be accepted.

The application is being resisted by the respondent vehemently, filing written reply, contending that no ground for transfer of the case is made out. The respondent is to look after his mother who does not keep good health.

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 Ray** 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 District Judge, Chandigarh and transferred to Family Court at Bathinda for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 07.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

08.07.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No