

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

TA-1140-2018 (O&M)

Date of decision: 20.05.2019

Madhu

...Applicant

Versus

Dinesh Singh

...Respondent

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

Present: Mr. Rajesh Bansal, Advocate for the applicant.

Mr. Raghubir Tejpal, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Madhu, aged about 36 years, estranged wife of respondent Dr. Dinesh Singh, presently residing at Karnal, on account of matrimonial discord between the spouses, by way of filing the present application, seeks transfer of divorce petition filed by her husband, the respondent against her having title 'Dr. Dinesh Singh Vs. Madhu' pending in the Court of Addl. District Judge, Kurukshetra to the Court of competent jurisdiction at Karnal.

According to the applicant, the marriage solemnized between the parties unfortunately ran into rough weather, though, the couple was blessed with a son, who is presently aged about 07 years and is residing with the applicant; that on account of harassment and maltreatment meted out to the applicant by the respondent, she had to leave the matrimonial home. She is residing separately along with minor son of the parties, namely, Master Sarthak, who is school going. The applicant has filed a

petition under Section 125 Cr.P.C. and another petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 against the respondent in Courts at Karnal. The applicant being a young woman, having no source of income, it is difficult for her to travel from Karnal to Kurukshetra to attend the dates of hearing in the Court there. Therefore, the present application be accepted.

The application is being opposed tooth and nail by the respondent, stating that no ground is made out for transfer of the application and the same be dismissed.

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 Addl. District Judge, Kurukshetra and transferred to Family Court at Karnal for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 19.07.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

20.05.2019
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(H.S. MADAAN)
JUDGE

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