

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

TA-408-2018

Date of decision:-4.7.2019

Rajni

...Applicant

Versus

Rakesh Khera

...Respondent

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN**Present** : Mr.Karunesh Kaushal, Advocate
for the applicant.Mr.Mukesh K. Sharma, Advocate
for the respondent.

H.S. MADAAN, J.(ORAL)

By way of filing the present application, the applicant – Smt.Rajni, aged about 28 years estranged wife of respondent – Rakesh Khera presently residing with her parents at Mandi Dabwali, District Sirsa on account of matrimonial discord between the spouses, seeks transfer of divorce petition filed by her husband the respondent against her having title 'Rakesh Khera Versus Rajni' pending before Additional District Judge, Panchkula to any other Court of competent jurisdiction at Sirsa.

According to the applicant, the marriage solemnized between the parties on 4.11.2014 at Mandi Dabwali, District Sirsa ran into rough weather on account of harassment and maltreatment of applicant at the hands of respondent and his family members in connection with demand of dowry; that the couple was not blessed with any child; that due to the vicious atmosphere in the matrimonial home,

the applicant was forced to leave it and go to the house of her parents; that the applicant does not have any source of income; that she has filed a petition under Protection of Women from Domestic Violence Act, 2005 and she has also filed a complaint under Sections 406 and 498-A against the respondent and his family members at Dabwali; that the respondent has filed the divorce petition against the applicant just to pressurize her and cause harassment to her. Under the circumstances, it is very difficult for the applicant to travel from her parental place at Mandi Dabwali, District Sirsa to Panchkula to attend the dates of hearing in the Court there. Therefore, the application be accepted.

Notice of the application was given to respondent, who put in appearance and vehemently opposed the request for transfer of the petition praying for dismissal of the application.

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 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.

Therefore, the application stands allowed and the divorce petition pending in the Court of Additional District Judge, Panchkula is ordered to be transferred to the Court of District Judge, Family Court, Sirsa. The parties are directed to appear before District Judge, Family Court, Sirsa on 5.8.2019.

Copy of this order be sent to Additional District Judge, Panchkula as well as District Judge, Family Court, Sirsa for information and necessary compliance.

4.7.2019
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No