

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

TA-440-2018 (O&M)

Date of decision: 10.05.2019

Mamta Rani

...Applicant

Versus

Ravinder Parsad

...Respondent

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

Present: Ms. Neha Arora, Advocate for
Mr. KPS Dhillon, Advocate for the applicant.

Ms. Kamlesh, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Mamta Rani, aged about 28 years, estranged wife of respondent Ravinder Parsad, presently residing with her parents at Ludhiana, 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 'Ravinder Parsad Vs. Mamta Rani' pending in the Court of District Judge, Addl. Family Court, Karnal to the Court of competent jurisdiction at Ludhiana.

According to the applicant, the marriage solemnized between the parties on 05.09.2014 ran into rough weather on account of demand of dowry from the applicant by the respondent and his family members. The applicant was driven out of the matrimonial home and she had no other place to go except the house of her parents at Ludhiana, where, she is putting up. She has submitted a complaint to the police for registration

of FIR against the respondent. As a pressure tactic, the respondent has filed a divorce petition against the applicant in Court at Karnal. The applicant does not have any source of income and is dependent upon her parents for her needs. It is difficult for the applicant to travel from her parental place to Karnal to attend the dates of hearing in the Court there, covering a distance of about 380 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent, who put in appearance. The application is being opposed vehemently.

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

The parties through their counsel are directed to appear in the transferee Court on 31.05.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

To address the concern of the respondent, Commissioner of Police, Ludhiana is directed to ensure that no physical harm is caused to the respondent or any other person accompany him when he/they go to Ludhiana to attend the dates of hearing in the Court there.

10.05.2019

sumit.k

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes No

Whether Reportable :

Yes No