

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

TA-450-2018 (O&M)

Date of decision: 14.05.2019

Neeraj Devi

...Applicant

Versus

Sombir

...Respondent

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

Present: Ms. Poonam, Advocate for  
Mr. Sunny Bhardwaj, Advocate for the applicant.

None for the respondent.

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**H.S. MADAAN, J. (Oral)**

Applicant Neeraj Devi, aged about 30 years, estranged wife of respondent Sombir, presently residing with her parents at Village Sanwar, Tehsil Charkhi Dadri, District Bhiwani, 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 'Sombir Singh Vs. Neeraj Devi' pending in the Court of District Judge, Narnaul to the Court of competent jurisdiction at Bhiwani.

According to the applicant, the marriage solemnized between the parties on 22.05.2007 at Village Sanwar, Tehsil Charkhi Dadri, District Bhiwani ran into rough weather, though, the couple was blessed with two sons, namely, Saurav and Gaurav. Saurav has disability by birth and is completely dependent upon others; that circumstances were so created by the respondent that the applicant had to leave the matrimonial

home and start residing with her parents along with the said son of the parties. The applicant has filed a petition under Section 125 Cr.P.C., against the respondent for grant of maintenance in the Court of learned District Judge, Family Court, Bhiwani. The applicant does not have any source of income. It is difficult for her to travel from her parental place to Narnaul to attend the dates of hearing in the Court there, covering a distance of about 120 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent, who had put in appearance and vehemently contesting the application, praying for its dismissal. However, today, there is no representation on behalf of the respondent.

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 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, Narnaul and transferred to Family Court at Bhiwani for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 17.07.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

14.05.2019

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**(H.S. MADAAN)**  
**JUDGE**

Whether speaking/reasoned :  
Whether Reportable :

|     |    |
|-----|----|
| Yes | No |
| Yes | No |