

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

TA-468-2018 (O&M)

Date of decision: 27.05.2019

Sonam

...Applicant

Versus

Atul

...Respondent

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

Present: Ms. Neeru Bansal, Advocate for the applicant.

Mr. Harkesh Manuja, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

This application for transfer of petition under Section 9 of the Hindu Marriage Act titled 'Atul Vs. Sonam' pending in the Court of Addl. Civil Judge (Sr. Divn.) Panipat to the Court of competent jurisdiction at Hisar, has been filed by applicant Sonam, aged about 27 years, estranged wife of respondent Atul, presently residing with her parents at Hisar, on account of matrimonial discord between the spouses.

According to the applicant, the marriage solemnized between the parties on 22.04.2012 ran into rough weather, though, the couple was blessed with a son, namely, Master Moksh Khatter, born on 25.03.2013. Due to harassment and maltreatment at the hands of respondent, the applicant along with minor son of the parties had to leave the matrimonial home and start residing with her parents at Hisar. According to the applicant, she does not have any source of income and is dependent upon her parents who are of old age. She has filed a petition under Section 125 Cr.P.C. against the

respondent in the Court of JMIC, Hisar. She has also filed a criminal complaint against the respondent at Hisar. The respondent has filed the petition in question against her as a pressure tactic. It is difficult for her to travel from her parental place to Panipat to attend the dates of hearing in the Court there, covering a distance of about 150 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent, who put in appearance through counsel and has filed written reply, contesting the application, submitting that the allegations in the application are wrong and no ground is made out to allow 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. The same is accordingly allowed. The petition in question is ordered to be withdrawn from the Court of Addl. Civil Judge (Sr. Divn.) Panipat and transferred to Family Court at Hisar for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 24.07.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

27.05.2019

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

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