

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

T.A. No. 554 of 2018

DATE OF DECISION :- March 20, 2019

Smt. Sangeeta

...Applicant

Versus

Naveen Kumar

...Respondent

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

Present:- Mr. Jitender Dhanda, Advocate for the applicant.

Applicant Smt. Sangeeta, aged about 30 years, wife of Naveen Kumar-respondent, presently residing with her parents at Hisar on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Section 9 of the Hindu Marriage Act filed by her husband Naveen Kumar against her having title 'Naveen Kumar Vs. Sangeeta' pending in the Court of District Judge, Charkhi Dadri to the Court of competent jurisdiction at Hisar.

According to the applicant, the marriage performed between the parties ran into rough weather. She had to leave the matrimonial home on account of matrimonial discord between the parties and start residing with her parents at Hisar. The respondent has filed a petition under Section 9 of the Hindu Marriage Act against her as a pressure tactic. The applicant being a young woman, having no source of income, it is difficult for her to travel

from her parental place to Charkhi Dadri to attend the dates of hearing in the Court there, therefore, the application be accepted.

Notice of the application was given to the respondent, who as per office report has been duly served but he has not turned up to offer a contest.

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 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 District Judge, Charkhi Dadri 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 24.4.2019. Copies of orders be sent to the Court of District Judge, Charkhi Dadri as well as to the Family Court at Hisar for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 20, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No