

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

T.A. No. 594 of 2018

DATE OF DECISION :- May 13, 2019

Suman

...Applicant

Versus

Vijay

...Respondent

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

Present:- Mr. Abhimanyu Batra, Advocate for the applicant.

Mr. S.P. Chahar, Advocate for the respondent.

Applicant Suman, aged about 26 years, estranged wife of Vijay-respondent, presently residing with her parents at Village Jhanj Khurd, District Jind, 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 Vijay against her having title 'Vijay Vs. Suman' pending in the Court of District Judge, Family Court, Rohtak to the Court of competent jurisdiction at Jind.

According to the applicant, the marriage was performed between the parties on 21.11.2017. Thereafter the spouses started residing together, however, she was harassed and maltreated by the respondent in connection with demand of dowry. Ultimately, she had to leave the matrimonial home and start residing with her parents. She has filed a petition under Section 125 Cr.P.C. against the respondent in the Court at Jind. She has lodged an F.I.R. for offence under section 498A IPC against the

respondent where challan has been filed in the Court against the respondent. The applicant does not have any source of income and it is difficult for her to travel from her parental place to Rohtak so as 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 has put in appearance through his counsel and is vehemently opposing the application.

I have heard learned counsel for the parties besides going through the record.

The application is being resisted by the respondent contending that the distance between the two places is quite small. They are well connected by road and applicant can very easily travel that distance.

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, Family Court, Rohtak and transferred to Family Court at Jind for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 31.5.2019. Copies of orders be sent to the Court of District Judge, Family Court, Rohtak as well as to the Family Court at Jind for information and necessary compliance.

(H.S. MADAAN)
JUDGE

May 13, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No