

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

TA-718-2018 (O&M)

Date of decision: 12.07.2019

Meenakshi

...Applicant

Versus

Bhupender Kumar

...Respondent

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

Present: Applicant with counsel Mr. S.S. Maini.

Respondent with counsel Mr. Aditya Yadav.

H.S. MADAAN, J. (Oral)

Applicant has brought the minor daughter of the parties with her. Efforts for amicable settlement between the parties have been made but those are not proved to be fruitful. Let the petition be decided on merits.

Applicant Meenakshi, aged about 39 years, wife of respondent Bhupender Kumar has brought the present application, seeking transfer of divorce petition, filed by her husband, the respondent against her having title 'Bhupender Kumar Vs. Meenakshi' pending in the Court of District Judge, Narnaul to the Court of competent jurisdiction at Panchkula.

According to the applicant, the marriage between the parties was solemnized on 06.02.2007 at Yadav Dharamshala, Sector-12, Panchhkula. Thereafter, they started residing together. The marriage was consummated and the couple was blessed with a female child on

17.01.2008. However, on account of mental torture and harassment of applicant by the respondent and his family, the applicant along with minor daughter of the parties had to leave the matrimonial home. The applicant is a working lady. Her old aged parents are not keeping good health. There is nobody in the family to accompany the applicant to Narnaul to attend the dates of hearing in the Court there. Under the circumstances, it is difficult for the applicant to travel from Panchkula to Narnaul to attend the dates of hearing in the Court there, covering a distance of about 360 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 is vehemently opposing the application and praying for its dismissal.

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

The parties through counsel are directed to appear in the transferee Court on 14.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

12.07.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes No

Whether Reportable :

Yes No