

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

TA-732-2018 (O&M)

Date of decision: 12.07.2019

Shikha Goel

...Applicant

Versus

Atul Goel

...Respondent

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

Present: Mr. Chetan Mittal, Sr. Advocate with
Mr. Himanshu Gupta, Advocate for the applicant.

Mr. K.S. Gill, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

By way of moving the present application, applicant Shikha Goel, wife of respondent Atul Goel, presently residing with her parents at Ludhiana, on account of marital differences between the spouses, seeks transfer of petition under Section 9 of the Hindu Marriage Act, filed by her husband, the respondent against her having title 'Atul Goel Vs. Shikha Goel' pending in the Court of District Judge, Family Court, Pathankot to the Court of competent jurisdiction at Ludhiana.

According to the applicant, differences arose between the spouses about three years back, when a woman Dentist started interfering in their married life. The applicant had to leave the matrimonial home and start residing with her parents at Ludhiana. The applicant has filed a petition under Section 125 Cr.P.C., against the respondent in Court at Ludhiana. As a counter blast, the respondent has filed the petition in

question against her. Under the circumstances, it is difficult for the applicant to travel from Ludhiana to Pathankot to attend the dates of hearing in the Court there, covering a distance of about 175 kms on one side. Father of the applicant has not been keeping good health. Her mother is also an aged woman, as such, there is nobody in the family to accompany the applicant to Pathankot to attend the dates of hearing in the Court there. Therefore, the present application be accepted.

Notice of the application was given to the respondent who put in appearance through counsel, filed written reply, vehemently contesting 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 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, Family Court, Pathankot and transferred to Family Court at Ludhiana 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