

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

TA-735-2018 (O&M)

Date of decision: 27.03.2019

Seema

...Applicant

Versus

Sanjay Kumar

...Respondent

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

Present: Mr. Vivek Khatri, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

This application for transfer of petition under Section 6 of Hindu Minority and Guardianship Act, 1956 titled 'Sanjay Kumar Vs. Seema' pending in the Court of Civil Judge (Sr. Divn.) Palwal, District Palwal to the Court of Civil Judge (Sr. Divn.) at Hisar, has been filed by applicant Seema, aged about 37 years, wife of respondent Sanjay Kumar, presently residing with her parents at Hansi, District Hisar, on account of matrimonial discord between the spouses.

As per case of the applicant, the marriage performed between the parties ran into rough weather, though, the couple was blessed with two children i.e. a daughter, namely, Khushi, presently aged about 12 years and a son, namely, Master Karan, presently aged about 06 years. Both of them are residing with her. The applicant along with her minor children were compelled to leave the matrimonial home on account of maltreatment meted out to her by the respondent and his family members.

She had no other place to go except house of her parents at Hansi, where

she is putting up along with two minor children. She does not have any source of income. It is difficult for her to travel from her parental place to Palwal to attend the dates of hearing in Court there, covering a distance of about 200 kms on one side. That three cases between the parties are pending within the jurisdiction of District Hisar. Therefore, the present application be accepted.

Notice of the application was given to the respondent, who as per office report has been duly served but has not put in appearance.

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 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 Civil Judge (Sr. Divn.) Palwal, District Palwal and transferred to Family Court at Hisar for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 25.04.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

27.03.2019

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

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