

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

TA-763-2018 (O&M)

Date of decision: 07.05.2019

Priya

...Applicant

Versus

Rahul Verma

...Respondent

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

Present: Mr. Pranav Handa, Advocate for the applicant.

Mr. Puneet Sharma, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

As per case of the applicant Priya, aged about 30 years, she was married with respondent Rahul Verma on 20.11.2013. Thereafter, they started residing together and were blessed with a female child. That on account of harassment and maltreatment meted out to the applicant at the hands of respondent, she was forced to leave the matrimonial home and start residing with her parents at Jalandhar. The respondent has filed a divorce petition against the applicant in Court at Gurdaspur to cause harassment to her. The applicant has filed a petition under Section 125 Cr.P.C. against the respondent in Court at Jalandhar. The applicant does not have any source of income. She is taking care of minor daughter of the parties. The parents of the applicant are quite old, suffering from various ailment. There is no one in the parental family of the applicant to accompany her to Gurdaspur to attend the dates of hearing in the Court

there. Furthermore, the distance between two places is about 95 kms. 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, stating that no ground is made out for transfer of the application.

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 Addl. District Judge, Gurdaspur and transferred to Family Court at Jalandhar for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 31.05.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

07.05.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No