

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

TA-765-2018 (O&M)
Date of decision: 24.07.2019

Komal Rani

...Applicant

Versus

Om Parkash

...Respondent

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

Present: Mr. J.K. Singla, Advocate for the applicant.

Mr. Shubhashish Kukreti, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Komal Rani, aged about 23 years, estranged wife of respondent Om Parkash, presently residing with her parents at Bathinda, on account of marital discord between the spouses, by way of filing the present application, seeks transfer of petition under Section 9 of the Hindu Marriage Act, filed by her husband, the respondent against her having title 'Om Parkash Vs. Komal Rani' pending in the Court of District Judge, Family Court, Ambala to the Court of competent jurisdiction at Bathinda.

As per version of the applicant, the marriage between the parties was solemnized on 29.04.2018. Thereafter, they started residing together. The couple was not blessed with any child. However, unfortunately, cracks developed in the marital life of the spouses on account of harassment and maltreatment meted out to the applicant by the respondent in connection with demand of dowry. Ultimately, the applicant

was forced to leave the matrimonial home. She had no other place to go except the house of her parents. The respondent has filed the petition in question against the applicant just to harass her. She has got registered an FIR for offences under Sections 406 and 498-A IPC and also filed a petition under Section 125 Cr.P.C. against the respondent in Court at Rampura Phull, District Bathinda. The applicant being a young woman, having financial constraints, it is difficult for the applicant to travel from her parental place to Ambala to attend the dates of hearing in the Court there, covering a distance of about 200 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 opposing the application vehemently, 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, Family Court, Ambala and transferred to Family Court at Bathinda for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 27.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

24.07.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes

No

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Whether Reportable :	Yes	No
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