

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

T.A. No. 768 of 2018

DATE OF DECISION :- March 28, 2019

Sonia

...Applicant

Versus

Bikram

...Respondent

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

Present:- Mr. Manoj Kaushik, Advocate for the applicant.

Ms. Pratibha Yadav, Advocate for the respondent.

Applicant Sonia, estranged wife of Bikram-respondent, presently residing with her parents at Faridabad, on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Bikram against her having title 'Bikram Vs. Sonia' pending in the Court of Additional District Judge, Rewari to the Court of competent jurisdiction at Faridabad.

According to the applicant, the marriage performed between the parties on 25.1.2015 at Faridabad did not work though the couple was blessed with a male child namely Master Vansh, aged about two years. On account of maltreatment meted out to the applicant by the respondent and his family members she along with minor son of the parties were forced to leave the matrimonial home. She has no other place to go except house of her parents at

Faridabad. She has lodged an F.I.R. No. 172 dated 24.6.2013 under Sections 498-A, 406 IPC with Police Station Rajendra Park, Gurgaon Though accused were acquitted but an appeal against that judgment is pending. She has filed a petition under Section 125 Cr.P.C. against the respondent before Family Court, Faridabad. The respondent has filed divorce petition against her as a pressure tactic. She being a young woman, taking care of minor son of the parties, having any source of income, it is difficult for her to travel from Faridabad to Rewari covering a distance of 120 kms on one side so as to attend the dates of hearing in the Court there, therefore, the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through his counsel. The application is being opposed vehemently praying that it be dismissed.

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 Additional District Judge, Rewari and transferred to Family Court at Faridabad for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 26.4.2019. Copies of orders be sent to the Court of Additional District Judge, Rewari as well as to the Family Court at Faridabad for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 28, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No