

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

TA-781-2018 (O&M)

Date of decision: 07.05.2019

Jyoti Chauhan and another

...Applicants

Versus

Amit

...Respondent

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

Present: Mr. Abhimanyu Singh, Advocate for the applicants.

Mr. Sudhir Hooda, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

This application has been filed by applicant Jyoti Chauhan for herself and on behalf of minor daughter of the parties, namely, Baby Avni, aged about 07 months, seeking transfer of divorce petition filed by respondent Amit against the applicant, having title Amit Vs. Jyoti Chauhan' pending in the Court of Principal Judge, Family Court, Rohtak to the Court of competent jurisdiction at Gurugram.

According to the applicant, the marriage solemnized between the parties on 05.02.2017 ran into rough weather, though, the couple was blessed with a female child, namely, Baby Avni. That circumstances were so created by respondent that the applicant had to leave the matrimonial home and start residing with her parents at VPO Narhera, Tehsil Pataudi, District Gurugram. The applicant does not have any source of income. She is taking care of minor daughter of the parties. It is difficult for her to

travel from Gurugram to Rohtak, to attend the dates of hearing in the Court there, covering a distance of about 80 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 vehemently opposing 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 Principal Judge, Family Court, Rohtak and transferred to Family Court at Gurugram 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