

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

TA-795-2018

Date of decision:-1.7.2019

Sushma

...Applicant

Versus

Pardeep Kumar

...Respondent

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

Present : Mr.Vinod Pandit, Advocate for
Mr.Sushil Bhardwaj, Advocate
for the applicant.

Mr.S.S. Khurana, Advocate
for the respondent.

H.S. MADAAN, J.(ORAL)

By way of filing the present application, the applicant – Smt.Sushma, aged about 24 years wife of respondent – Pardeep Kumar, presently residing with her parents at Bhiwani, on account of matrimonial discord between the spouses, seeks transfer of divorce petition filed by her husband the respondent against her having title 'Pardeep Kumar Versus Sushma' pending before learned Additional District & Sessions Judge, Rewari to any other Court of competent jurisdiction at Bhiwani.

According to the applicant, the marriage solemnized

between the parties on 30.1.2013 at village Bapora, District Bhiwani ran into rough weather, on account of demand of dowry raised by the respondent and his family members from the applicant, resultantly the applicant had to leave the matrimonial home and start residing with her parents; that the couple was not blessed with any child; that the respondent has filed a divorce petition against the applicant on false allegations just to get-rid of her; that the applicant has filed a petition under Section 125 Cr.P.C. against the respondent for grant of maintenance in the Court at Bhiwani; that she has also brought a petition under Protection of Women from Domestic Violence Act, 2005 against the respondent in the Court at Bhiwani; that the applicant being a young woman in financial constraints, it is difficult for her to travel from her parental place Bhiwani to Rewari covering a distance of about 125 kms. on one side to attend the dates of hearing in the Court there. Therefore, the application be accepted.

Notice of the application was given to respondent, who put in appearance and filed written reply controverting the allegations in the application, vehemently opposing a request for transfer of the petition.

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.

Therefore, the application stands allowed and the divorce petition pending in the Court of Additional District & Sessions Judge, Rewari is ordered to be transferred to the District Judge, Family Court, Bhiwani. The parties are directed to appear before District Judge, Family Court, Bhiwani on 1.8.2019.

Copy of this order be sent to Additional District & Sessions Judge, Rewari as well as District Judge, Family Court, Bhiwani

for information and necessary compliance.

1.7.2019
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No