

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

TA-811-2018 (O&M)
Date of decision: 27.03.2019

Komal

...Applicant

Versus

Ankit

...Respondent

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

Present: Mr. Vikram Punia, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

By way of moving the present application, applicant Komal, aged about 22 years, estranged wife of respondent Ankit, presently residing with her parents at Village Khatkar, District Sonapat, on account of a matrimonial discord with her husband, seeks transfer of divorce petition filed by her husband, the respondent against her having title 'Ankit Vs. Komal' pending in the Court of District Judge, Panipat to the Family Court at Sonapat.

As per case of the applicant, she was married with the respondent on 05.03.2016 at Village Khatkar, District Sonapat. Thereafter, they started residing together as husband and wife. The couple was not blessed with any child. The applicant was treated with cruelty by the respondent and his family members. Resultantly, she had to leave the matrimonial home and start residing with her parents; that she has filed a petition under Section 12 of Protection of Women from Domestic

Violence Act, 2005 and another petition under Section 125 Cr.P.C., for grant of maintenance against the respondent. The applicant has also brought a petition under Section 9 of the Hindu Marriage Act. All the cases are pending before the District Judge, Family Court, Sonapat. As a pressure tactics, the respondent has filed a divorce petition against the applicant. The applicant being a young woman, having no source of income and being dependent upon her parents for her basic needs, it is difficult for her to travel from her parental place to Panipat to attend the dates of hearing in Court there. Therefore, the present application be accepted.

Notice of the application was given to the respondent, who as per office report was duly served but did not put in appearance.

I have heard learned counsel for the applicant 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, Panipat and transferred to Family Court at Sonapat for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 25.04.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

27.03.2019
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No