

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

TA-869-2018 (O&M)

Date of decision: 02.05.2019

Pinki

...Applicant

Versus

Arun Kumar

...Respondent

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

Present: Mr. Vishwajeet, Advocate for the applicant.

Mr. Lalit Kumar, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

This application for transfer of divorce petition titled 'Arun Kumar Vs. Pinki' pending in the Court of District Judge, Sonipat to the Court of competent jurisdiction at Jind, has been filed by applicant Smt. Pinki, aged about 26 years, estranged wife of respondent Arun Kumar, presently residing with her parents at Village Nidani, District Jind on account of differences between the spouses.

According to the applicant, the marriage solemnized between the parties on 08.04.2015 at Village Nidani, District Jind ran into rough weather on account of demand of dowry raised by the respondent and his family members, however, the couple was blessed with a male child, namely, Master Ansh, born on 30.03.2016. The respondent and his family members created such a situation that the applicant had to leave the matrimonial home and start residing with her parents at Village Nidani,

District Jind. According to the applicant, she is taking care of minor son of the parties. Furthermore, she has filed a complaint under Sections 498-A of IPC against the respondent, which is pending in Court at Jind. The applicant is not having any source of income and she along with her minor son are dependent upon her parents, who themselves are very poor and aged. It is difficult for her to travel from her parental place to Sonapat, to attend the dates of hearing in the Court there. Therefore, the present application be accepted.

Notice of the application was given to the respondent, who put in appearance through counsel and filed written reply, contesting the application vehemently and 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 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 District Judge, Sonipat and transferred to Family Court at Jind for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 29.05.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

02.05.2019

sumit.k

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No