

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

T.A. No. 914 of 2018

DATE OF DECISION :- May 06, 2019

Meetu

...Applicant

Versus

Deepak Goyal

...Respondent

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

Present:- Mr. Jatin Hans, Advocate for the applicant.

Mr. G.S. Kuka, Advocate for the respondent.

Applicant Meetu, aged about 30 years, wife of Deepak Goyal-respondent, presently residing with her parents at Bhiwani on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Section 13 (ia) (ib) of the Hindu Marriage Act filed by her husband Deepak Goyal against her having title 'Deepal Goel Vs. Meetu' pending in the Court of District and Sessions Judge, Sirsa to the Court of competent jurisdiction at Bhiwani.

According to the applicant, she was married with the respondent on 24.1.2015. Thereafter they started residing together, however, after few days the respondent and his family members started harassing and maltreating the applicant in connection with demand of dowry. The applicant had reported the matter to the police and got registered formal

F.I.R. No. 0280 dated 19.5.2018 with police of Police Station Bhiwani, District Bhiwani for offences under Sections 323, 354, 376, 406, 498A, 506, 511 and 34 IPC. After being thrown out of the matrimonial home she is residing at her parental place. The respondent has filed divorce petition against her to harass and torture her. The applicant has filed petition under Section 125 Cr.P.C. against the responded in the Court at Bhiwani. The applicant does not have any source of income and is dependent upon her father to meet her basic needs. It is difficult for her to travel from Bhiwani to Sirsa to attend the dates of hearing in the Court there, covering a distance of 150 kms on one side, more particularly she does not have any male or female family member to accompany her, therefore, the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel vehemently opposing the application submitting that no ground is made out for transfer of the case.

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 and Sessions Judge, Sirsa and transferred to Family Court at Bhiwani for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 30.5.2019. Copies of orders be sent to the Court of District and Sessions Judge, Sirsa as well as to the Family Court at Bhiwani for information and necessary compliance.

The Superintendent of Police, Bhiwani is directed to ensure that

no physical harm is caused to the respondent or to his family members or persons accompanying him when he/they go to Bhiwani to attend the dates of hearing. A copy of this order be sent to Superintendent of Police, Bhiwani also.

(H.S. MADAAN)
JUDGE

May 06, 2019
p.singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No