

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 931 of 2018 (O&M)

Date of decision : 5.4.2019

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Renu Goyal

.....Applicant

vs.

Vikas Kumar Goyal

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Ravish Bansal, Advocate for the applicant.

Mr. M.S. Uppal, Advocate for the respondent.

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H. S. Madaan, J. (Oral)

Briefly stated facts of the case are that marriage was solemnized between applicant Renu Goyal and respondent Vikas Kumar Goyal, on 9.11.2008. They were blessed with a daughter, namely Pranjal Goyal on 23.5.2010. Unfortunately, difference arose between the spouses and applicant alongwith minor daughter of the parties had to leave the matrimonial home and start residing with her parents at Jaitu, District Faridkot. Her husband – respondent has filed a petition under Section 6 of the Hindu Minority and Guardianship Act, 1956, titled as 'Vikas Kumar Goyal vs. Renu Goyal' against her seeking custody of minor daughter, pending in the Court of

Additional Civil Judge (Senior Division), Mansa. The instance application is filed by applicant Renu Goyal, seeking transfer of said petition to a Court of competent jurisdiction at Jaitu, District Faridkot.

Notice of the application was given to the respondent, who has put in appearance and is opposing the application vehemently, praying for its dismissal.

I have heard learned counsel for the parties, besides going through the record.

As per version of the applicant, she is a young woman of 37 years and is taking care of minor daughter of the parties, who is aged about 8 years and is studying in a school at Jaitu. She does not have any source of income and it would be difficult for her to travel from her parental place to Mansa to attend the date of hearing in the Court there covering a distance of about more than 90 kms on one side. Further more, the respondent is a practicing Advocate at Mansa. Therefore the application be accepted.

Whereas according to the respondent, the applicant can very well come to Mansa to attend the dates of hearing since there is good connectivity between Jaitu and Mansa and further more applicant can move proper application before the trial Court.

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, I find that ends of justice demand that the application be allowed.

Accordingly, the application is accepted. The petition in question pending in the court of Additional Civil Judge (Senior Division), Mansa is withdrawn from that Court and transferred to the Court of Additional Civil Judge (Senior Division), Jaitu, District Faridkot, for disposal in accordance with law. Parties through

counsel are directed to appear there on 3.5.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

5.4.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No