

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

TA-932-2018 (O&M)

Date of decision: 22.07.2019

Rekha

...Applicant

Versus

Sandeep Singh

...Respondent

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

Present: Ms. Neha Rana, Advocate for
Mr. Abhimanyu Singh, Advocate for the applicant.

Mr. S.K. Yadav, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Rekha, aged about 25 years, estranged wife of respondent Sandeep Singh, presently residing with her parents at Bhiwani, on account of matrimonial differences between the parties, by way of filing the present application, seeks transfer of petition under Section 9 of the Hindu Marriage Act, filed by her husband, the respondent against her having title 'Sandeep Singh Vs. Rekha' pending in the Court of Civil Judge (Sr. Divn.), District Mahendergarh at Narnaul to the Court of competent jurisdiction at Bhiwani.

According to the applicant, the marriage solemnized between the spouses on 27.11.2009 did not work, though, the couple was blessed with two children i.e. a daughter, namely, Baby Anushka, aged about 07 years and a son, namely, Master Rakshit, aged little more than 01 year.

On account of harassment and maltreatment at the hands of respondent

and his family members, the applicant along with minor children had to leave the matrimonial home and start residing with her parents at Bhiwani. She does not have any source of income. The respondent has filed the petition in question against the applicant just to harass her. Under the circumstances, it is difficult for the applicant to travel from her parental place to Mahendergarh at Narnaul to attend the dates of hearing in the Court there, covering a distance of about 85 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent who put in appearance through counsel and is opposing the application vehemently, 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 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 Civil Judge (Sr. Divn.), Mahendergarh at Narnaul and transferred to Family Court at Bhiwani for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 23.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

22.07.2019

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**(H.S. MADAAN)
JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No