

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

T.A. No. 970 of 2018

DATE OF DECISION :- March 15, 2019

Monika

...Applicant

Versus

Parveen Kumar

...Respondent

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

Present:- Mr. Pardeep Chhoker, Advocate for the applicant.

Applicant Monika, aged about 24 years, estranged wife of Parveen Kumar-respondent, presently residing with her parents at Village Siwah, Tehsil and District Panipat, seeks transfer of petition under Section 13 (1) (ia) of the Hindu Marriage Act filed by her husband Parveen Kumar against her having title 'Parveen Kumar Vs. Monika' pending in the Court of District Judge, Rohtak to the Court of competent jurisdiction at Panipat.

According to the applicant, on account of matrimonial discord between the spouses, she had to leave the matrimonial home along with two minor daughters of the parties and start residing with her parents at Siwah, Tehsil and District Panipat. Her husband has filed a divorce petition against her as a pressure tactic. She being a young woman, taking care of two minor daughters of the parties, having no source of income, it is difficult for her to travel from her parental place to Rohtak covering a distance of about 120 Kms on one side so as to attend the dates of hearing there, as such the application be accepted.

Notice of the application was given to the respondent, who as per office report has been duly served but he has not turned up to offer a contest.

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 must 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, Rohtak and transferred to Family Court at Panipat for disposal in accordance with law.

The parties through are directed to appear in the transferee Court on 26.4.2019. Copies of orders be sent to the Court of District Judge, Rohtak as well as to the Family Court at Panipat for information and necessary compliance.

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

March 15, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No