

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

TA-984-2018 (O&M)

Date of decision: 02.05.2019

Bindu

...Applicant

Versus

Parveen

...Respondent

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

Present: Mr. Sandeep Thakan, Advocate for the applicant.

Mr. Vishwajeet, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

This application for transfer of divorce petition titled 'Parveen Vs. Bindu' pending in the Court of Principal District Judge, Family Court, Hisar to the Court of competent jurisdiction at Jind, has been filed by applicant Bindu, aged about 28 years, estranged wife of respondent Parveen, on account of differences between the spouses.

According to the applicant, the marriage solemnized between the parties did not work on account of demand of dowry raised by the respondent and his family members. The situation became so unfavourable that the applicant had to leave the matrimonial home and start residing with her parents at Jind. She has lodged an FIR No.229 dated 07.10.2018 for offences under Sections 323, 406, 498-A and 34 of IPC. She has also filed a petition under Section 125 Cr.P.C., against the respondent in Court at Jind. As a counter blast, the respondent has filed

the divorce petition against her in Court at Hisar. The applicant being a young woman, having no source of income, it is difficult for her to travel from her parental place to Hisar, to attend the dates of hearing in the Court there, covering a distance of about 80 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, 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 Principal District Judge, Family Court, Hisar 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 :	Yes	No
Whether Reportable :	Yes	No