

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

TA-998-2018 (O&M)

Date of decision: 01.04.2019

Savita Sharma

...Applicant

Versus

Bharat Sharma

...Respondent

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

Present: Mr. Mandeep Kaushik, Advocate for the applicant.

Mr. N.K. Verma, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

By way of moving the present application, applicant Savita Sharma, aged about 35 years, estranged wife of respondent Bharat Sharma, presently residing with her parents at Phagwara, on account of differences between the spouses, seeks transfer of petition under Section 9 of the Hindu Marriage Act, filed by her husband, the respondent against her having title 'Bharat Sharma Vs. Savita Sharma' pending in the Court of Addl. Civil Judge (Sr. Divn.) Amloh, to the Court of competent jurisdiction at Phagwara.

According to the applicant, the marriage solemnized between the parties on 27.02.2017 at Phagwara, ran into rough weather, though, the couple was blessed with a female child, namely, Baby Kavya, born on 04.12.2017. Circumstances were so created by

the respondent and his family members that the applicant had to leave the matrimonial home along with minor daughter and start residing with her parents at Phagwara. The applicant has filed a complaint to the Superintendent of Police, Phagwara for registration of FIR against the respondent and his family members under Sections 406, 498-A and 34 of IPC. As a counter blast, the respondent has filed the petition in question against the applicant. According to the applicant, she being a young woman, taking care of infant daughter of the parties, having no source of income, it is difficult for her to travel from her parental place to Amloh, to attend the dates of hearing in the Court there, covering a distance of about 110 kms on one side. Therefore, the present application be accepted.

Notice of the application was given to the respondent, who has been duly served and has appeared through counsel. The application is being opposed vehemently, stating 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 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 Addl. Civil Judge (Sr. Divn.) Amloh and transferred to the Court of learned District Judge, Kapurthala for

disposal in accordance with law. Learned District Judge, Kapurthala may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 29.04.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

01.04.2019
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No