

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

TA-1943-2018 (O&M)
Date of decision: 08.05.2019

Anita Kaushik

...Applicant

Versus

Robin Sharma

...Respondent

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

Present: Ms. Anuradha, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

As per version of applicant Anita Kaushik, aged about 27 years, wife of respondent Robin Sharma, marriage between the parties was solemnized on 15.02.2016 at Hansi, District Hisar. Thereafter, they started residing together. The couple was blessed with a female child, however, the applicant was harassed, maltreated, abused and beaten up by the respondent and his family members in connection with demand of more dowry. Ultimately, she was turned out of the matrimonial home and since then, she is residing with her parents. The respondent has filed a petition under Section 9 of the Hindu Marriage Act against the present applicant before Family Court, Faridabad. The applicant being a young woman, taking care of minor daughter of the parties, 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. Therefore, the present application be accepted.

Notice of the application was given to the respondent, who was duly served but did not appear 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 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 Family Court, Faridabad and transferred to Family Court at Hisar for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 31.05.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

08.05.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No