

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 2962 of 2018 (O&M)

Date of decision : 3.7.2019

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Reetu Sangwan

.....Applicant

vs.

Rajesh Kumar

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Ms. Monika Singh, Advocate for
Mr. Amit Kumar Jain, Advocate the applicant.

Mr. Ram Pal Verma, Advocate for the respondent.

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H. S. Madaan, J. (Oral)

Applicant – Reetu Sangwan, aged about 38 years, estranged wife of Rajesh Kumar, presently residing with her parents at Jind, on account of differences between the spouses, has filed the instant application under Section 24 CPC, seeking transfer of Divorce petition, filed by her husband, who is respondent in the present application, against her, having title 'Rajesh Kumar vs. Reetu Sangwan' pending in the Court of Additional Principal Judge (Family Court), Sonapat, to a Court of competent jurisdiction at Jind.

As per version of the applicant, marriage between the parties

which was solemnized on 24.2.2012, ran into rough weather on account of harassment meted out to the applicant by the respondent. However, the couple was blessed with a son, presently aged about 4 years. The applicant had to leave the matrimonial home and start residing with her parents at Jind. The applicant does not have any source of income and is dependent upon her parents. She is to take care of minor son of the parties, who is a school going child. There is no male member available in the family, who can accompany the applicant to Sonapat, to attend the Court proceedings there, by covering a distance of 85 kms on one side. Therefore, the application be accepted.

Notice of the application was given to the respondent, who has put in appearance through counsel and filed written reply contesting the application, 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, I find that ends of justice demand that the application be allowed.

Accordingly, the application is accepted. The petition in question pending in the court of Additional Principal Judge (Family Court), Sonapat, is withdrawn from that Court and transferred to the Family Court at Jind, for disposal in accordance with law. Parties through counsel are directed to appear there on 2.8.2019.

To address the apprehension of the respondent, Superintendent of Police, Jind, is directed to ensure that no physical harm is caused to the applicant or any other person accompanying him, to attend the hearings in the Court at Jind.

A copy of the order be sent to the Courts concerned and

Superintendent of Police, Jind, for information and necessary compliance.

3.7.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No