

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

TA-8995-2018 (O&M)
Date of decision: 12.07.2019

Sanjeeta

...Applicant

Versus

Vinaya Indora

...Respondent

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

Present: Ms. Monika Singh, Advocate for
Mr. Arvind Chauhan, Advocate for the applicant.

Mr. Chander Pal Tiwana, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Sanjeeta, aged about 30 years, estranged wife of respondent Vinaya Indora, presently residing with her parents at Jind, by way of filing the present application, seeks transfer of divorce petition, filed by her husband, the respondent against her having title 'Vinaya Indora Vs. Sangeeta' pending in the Court of Addl. District Judge, Kaithal to the Court of competent jurisdiction at Jind.

According to the applicant, she does not have any source of income. She has filed a petition under Section 125 Cr.P.C. as well as another petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rites in Family Court at Jind. On account of having financial constraints and being a young woman, it is difficult for the applicant to travel from Jind to Kaithal to attend the dates of hearing in the Court there, covering a distance of about 70 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 and is opposing the application vehemently, 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 Ray** 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. District Judge, Kaithal 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 14.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

To address the apprehension of the respondent with regard to risk of physical harm at the hands of persons claiming under the applicant, if he is asked to go to Jind to attend the dates of hearing in the Court there, by way of acceptance of application, SP, Jind is directed to ensure that no physical harm is caused to the respondent or any person accompanying him to Jind in connection with the dates of hearing in the Court there.

12.07.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No