

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

TA-8994-2018 (O&M)
Date of decision: 19.08.2019

Meenu Parkash

...Applicant

Versus

Anil

...Respondent

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

Present: Mr. R.K. Dhiman, Advocate for the applicant.

Mr. S.K. Tripathi, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Meenu Parkash, aged about 22 years, estranged wife of respondent Anil, presently residing with her parents at Gurugram, on account of differences between the spouses, by way of filing the present application, seeks transfer of petition under Section 9 of the Hindu Marriage Act, filed by her husband, the respondent against her having title 'Anil Vs. Meenu Parkash' pending in the Court of Addl. Civil Judge (Sr. Divn.) Bahadurgarh, District Jhajjar, to the Court of competent jurisdiction at Gurugram.

As per version of the applicant, the marriage solemnized between the parties on 24.11.2017 ran into rough weather. The couple was not blessed with any child. Circumstances were so created by the respondent and his family members that the applicant was forced to leave the matrimonial home and start residing with her parents at Gurugram.

She does not have any source of income. She has lodged an FIR under

Sections 498-A etc. IPC against the respondent, in which case, the challan has been filed and the respondent is facing trial. She has also filed a petition under Section 125 Cr.P.C. against the respondent in Court at Gurugram. The respondent has filed the petition in question against the applicant just to harass her. It is difficult for the applicant to travel from her parental place to Bahadurgarh, District Jhajjar 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 put in appearance through counsel. The application is being opposed vehemently with a prayer 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. Civil Judge (Sr. Divn.) Bahadurgarh, District Jhajjar and transferred to Family Court at Gurugram for disposal in accordance with law.

The parties through counsel are directed to appear in the transferee Court on 20.09.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

19.08.2019

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**(H.S. MADAAN)
JUDGE**

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