

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

TA-1141-2018

Date of decision:-1.7.2019

Tammana

...Applicant

Versus

Punit Khurana

...Respondent

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

Present : Mr.S.S. Nain, Advocate
for the applicant.

Mr.Shashikant Gupta, Advocate for
Mr.Nipun Vashisth, Advocate
for the respondent.

H.S. MADAAN, J.(ORAL)

By way of filing the present application, the applicant – Smt.Tammana, aged about 33 years wife of respondent – Punit Khurana, presently residing with her parents at Sonipat on account of matrimonial discord between the spouses, seeks transfer of divorce petition filed by her husband the respondent against her having title 'Punit Khurana Versus Tammana' pending before learned Additional District Judge, Rewari to any other Court of competent jurisdiction at Sonipat.

According to the applicant, the marriage solemnized between the parties on 11.8.2012 and they blessed with a male child

namely Riyansh; that differences arose between the spouses and the applicant along with minor son of the parties had to leave the matrimonial home and to start residing with her parents at Sonipat. According to the applicant, she is a young woman having no source of income and is looking after minor son of the parties; that the applicant being a young woman in financial constraints, it is difficult for her to travel from her parental place Sonipat to Rewari covering a distance of about 120 kms. on one side to attend the dates of hearing in the Court there. Therefore, the application be accepted.

Notice of the application was given to respondent, who put in appearance and vehemently opposed a request for transfer of the petition.

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 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.

Therefore, the application stands allowed and the divorce petition pending in the Court of Additional District Judge, Rewari is ordered to be transferred to the District Judge, Family Court, Sonipat. The parties are directed to appear before District Judge, Family Court, Sonipat on 1.8.2019.

Copy of this order be sent to Additional District Judge, Rewari as well as District Judge, Family Court, Sonipat for information and necessary compliance.

1.7.2019
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No