

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

TA-4193-2018(O&M)
Date of decision:-20.3.2019

Anu

...Applicant

Versus

Rahul Verma

...Respondent

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

Present : Mr.Piyush Sharma, Advocate
for the applicant.

Mr.Prateek Sodhi, Advocate
for the respondent.

H.S. MADAAN, J.(ORAL)

By way of filing the present application, the applicant – Anu aged about 31 years estranged wife of respondent Rahul Verma, presently residing with her mother at Ferozepur seeks transfer of divorce petition filed by her husband against her having title “Rahul Verma Versus Anu”, pending in the Court of learned Additional District Judge, Amritsar to the Court of competent jurisdiction at Ferozepur.

As per version of the applicant, the marriage, which was solemnized between the parties on 9.5.2015 did not work; the couple was not blessed with any child; that father of the applicant had expired prior to the marriage; that the applicant was treated with cruelty by the respondent and his family members in connection with demand of more dowry; that false allegations were levelled against her; that the applicant

was forced to leave the matrimonial home and start residing at her parental place at Ferozepur; that she being a young woman, it is difficult for her to travel from Ferozepur to Amritsar 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 through counsel and filed written reply controverting the assertions in the application submitting that mother of applicant is Retired Judicial Clerk, whereas brother of applicant, namely, Vikas Kapoor is Clerk in Sessions Division, Ferozepur, who had been issuing threats to respondent from time to time and respondent had even submitted written representation seeking action against him, which is pending enquiry and respondent has an apprehension that applicant through her brother has exercised undue influence by misusing his official position and respondent shall be subjected to mental and physical harassment by the applicant and her brother. Therefore, the application be dismissed.

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.

As regards the contention put forward by learned counsel for the respondent that mother of the applicant is a Retd. Judicial employee and her brother is working in Sessions Division, Ferozepur and he may influence the proceedings, such type of contention is not convincing. No person what to talk of a lowly placed official like Clerk in a Sessions Division can dare to interfere in judicial functioning of the Courts. The apprehensions expressed by the respondent are misconceived. Even as per own version of the respondent, he has complained against brother of applicant, which complaint is being probed. If he has got any apprehension of physical harm at the hands of applicant or her brother, he can approach the local police in that regard seeking protection for himself and persons accompanying him when he comes to Ferozepur in connection with attending dates of hearing, if the

present application is accepted. The comparative inconvenience to the applicant shall be much more if the application is dismissed rather than if it is allowed.

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, Amritsar is ordered to be transferred to the Court of District Judge, Ferozepur. Learned District Judge, Ferozepur may keep the petition with himself or assign it to any other court. The parties are directed to appear before District Judge, Ferozepur on 24.4.2019.

Copy of this order be sent to District Judge, Amritsar as well as District Judge, Ferozepur for information and necessary compliance.

20.3.2019
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No