

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

TA-428-2018 (O&M)

Date of decision: 17.07.2019

Sushma Sharma

...Applicant

Versus

Ravinder Kumar Sharma

...Respondent

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

Present: Mr. P.K.S. Phoolka, Advocate for the applicant.

Ms. Jarnail Kaur, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Sushma Sharma, aged about 50 years, estranged wife of respondent Ravinder Kumar Sharma, presently residing separately at Bathinda on account of differences with her husband, by way of filing the present application, seeks transfer of divorce petition, filed by her husband, the respondent against her having title 'Ravinder Kumar Vs. Sushma Sharma @ Anuradha Sharma' pending in the Court of District Judge, Family Court, Faridkot to the Court of competent jurisdiction at Bathinda.

According to the applicant, the marriage solemnized between the parties on 01.02.1997 at Bathinda did not work on account of quarrelsome nature of the respondent and his being addicted to taking liquor and then giving beatings to the applicant even. She was turned out of the matrimonial home. The couple was blessed with a

daughter, namely, Aarti. Efforts for reconciliation between the parties proved to be futile. On account of respondent giving beatings to the applicant, breaking her two teeth, resulting in her hospitalization, an FIR No.15 dated 26.10.2001 was registered against the respondent, however, subsequently, on respondent realizing his guilt and giving assurance to behave properly in future, the matter was compromised between the parties. The applicant joined his company but there was no change in his behaviour. The applicant has filed a petition under Section 125 Cr.P.C. against the respondent, which was allowed and monthly maintenance allowance was granted to the applicant, payable by the respondent, who is working as a Pharmacist in a Govt. Hospital, at Faridkot. However, the respondent has not paid any money to the applicant and she has filed an execution application for recovery of arrears of maintenance, where the respondent is avoiding appearance. The respondent has contracted another marriage with one Aaradhna Sharma. Just to harass and cause inconvenience to the applicant, the respondent has filed the petition in question against her, mentioning her name wrongly. The applicant is suffering from various medical ailments. There is no male member to accompany her to Faridkot to attend the proceedings. She is working in a school at Bathinda getting meagre salary of Rs.3500/- per month. Therefore, the present application be accepted.

Notice of the application was given to the respondent who

put in appearance through counsel, filed written reply 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 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. The same is accordingly allowed. The petition in question is ordered to be withdrawn from the Court of District Judge, Family Court, Faridkot and transferred to Family Court at Bathinda for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 19.08.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

17.07.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No