

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

TA-6981-2018 (O&M)

Date of decision: 16.07.2019

Priyanka

...Applicant

Versus

Lovekesh

...Respondent

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

Present: Mr. I.S. Brar, Advocate for the applicant.

Mr. D.S. Adlakha, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Priyanka, estranged wife of respondent Lovekesh, presently residing with her parents at Village Kharwan, Tehsil Jagadhri, District Yamuna Nagar, on account of matrimonial discord between the parties, by way of filing the present application, seeks transfer of divorce petition, filed by her husband, the respondent against her having title 'Lovekesh Vs. Priyanka' pending in the Court of District Judge, Addl. Family Court, Karnal to the Court of competent jurisdiction at Yamuna Nagar at Jagadhri.

According to the applicant, the marriage solemnized between the parties on 01.12.2013 ran into rough weather on account of demand of dowry raised from her by the respondent and his family members. The couple was not blessed with any child. Circumstances were so created by the respondent and his family members that the

applicant had to leave the matrimonial home and start residing with her parents; that she does not have any source of income and is dependent upon her parents for getting her needs met. She has lodged an FIR No.107 of 2014 against the respondent and his family members for offences under Sections 406, 498-A and 506 IPC with Police Station Sadar, Jagadhri. The respondent has filed the petition in question against the applicant just to harass her. According to the applicant, she has filed a petition under Section 125 Cr.P.C. against the respondent, besides another petition under provision of Protection of Women from Domestic Violence Act, 2005 against the respondent, which are pending before the Court of ACJM, Yamuna Nagar at Jagadhri; that her parents are old, as such, not in a position to accompany her to attend the dates of hearing in Court at Karnal. It is difficult for her to travel from her parental place to Karnal 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, filing 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 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 District Judge, Addl. Family Court, Karnal and transferred to Family Court at Yamuna Nagar at Jagadhri 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.

16.07.2019

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(H.S. MADAAN)
JUDGE

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