

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

TA-1957-2018 (O&M)

Date of decision: 16.07.2019

Neha Chugh

...Applicant

Versus

Aman Chugh

...Respondent

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

Present: Ms. Seema Pasricha, Advocate for the applicant.

Mr. Jagdish Manchanda, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

Applicant Neha Chugh, aged about 32 years, estranged wife of respondent Aman Chugh, presently residing with her parents at Karnal, on account of matrimonial discord between the parties, 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 'Aman Chugh Vs. Neha Chugh' pending in the Court of Civil Judge (Sr. Divn.) Panipat to the Court of competent jurisdiction at Karnal.

According to the applicant, the marriage solemnized between the parties on 17.02.2012 unfortunately ran into rough weather, though the couple was blessed with a male child, namely Master Hardik on 22.01.2014, who is suffering from Thalassemia major from his birth, which is a serious disease. The respondent and his family members were reluctant to assist the applicant in getting Hardik treated. The said child is getting treatment from PGI, Chandigarh since 2014. The applicant is to take the child to PGI Chandigarh after every 20 days. The respondent refused to give any

financial as well as physical support for the treatment of Master Hardik. As such, after 2-3 months of the birth of Hardik, the applicant took him to her parental place at Karnal. Though, efforts for rapprochement between the spouses were made but those did not prove to be successful. The respondent has filed the petition in question against the applicant just to harass her. Since the applicant is working on contract basis and is taking care of minor son of the parties, who is suffering from a serious ailment, it is difficult for her to travel from her parental place to Panipat 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 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 Civil Judge (Sr. Divn.) Panipat and transferred to Family Court at Karnal 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