

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

T.A. No. 1022 of 2018

DATE OF DECISION :- March 15, 2019

Annu

...Applicant

Versus

Himanshu Malik @ Rahul

...Respondent

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

Present:- Mr. Parveen Sharma, Advocate for the applicant.

Mr. Gurmeet Singh Guri, Advocate for the respondent.

By way of filing the present application, applicant Annu, aged about 22 years, estranged wife of Himanshu Malik @ Rahul-respondent presently residing with her parents at Village Kidholi Pahladpur, Tehsil Kharkhoda, District Sonapat, seeks transfer of petition under Section 13 of the Hindu Marriage Act, 1955 filed by her husband Himanshu Malik @ Rahul against her having title 'Himanshu Malik Vs. Smt. Annu' pending in the Court of District Judge, Family Court, Rohtak to the Court of competent jurisdiction at Sonapat.

According to the applicant, the marriage was performed between the parties on 19.4.2017 and thereafter they started residing together, however, the respondent and his family members began to treat her with cruelty in connection with demand of dowry. She was forced to leave the matrimonial home and start residing with her parents. The respondent has filed a divorce petition against the applicant as a pressure tactic. The applicant has lodged F.I.R. No. 338 dated 24.7.2018 for offences under

Sections 323, 376, 354, 498A, 511 IPC at Police Station Kharkhoda, District Sonapat; that she has filed petition under Section 125 Cr.P.C against the respondent in the Court at Sonapat. She being a young woman, having no source of income, it is difficult for her to travel from her parental place to Rohtak, as such, the application be accepted.

Notice of the application was given to the respondent, who has appeared through counsel. It is contended that the distance between parental place of applicant and Rohtak is only 41 kms whereas distance from parental house of the applicant to Sonapat is 31 kms, as such she can easily come to attend the dates of hearing in the Court at Rohtak.

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), Rohtak and transferred to Family Court at Sonapat for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 26.4.2019. Copies of orders be sent to the Court of District Judge (Family Court), Rohtak as well as to the Family Court at Sonapat for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 15, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No