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upgrading, you are
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NOTE: Very important latest created passage for Supreme Court/High Court/District Court/Tribunal etc. related skill tests apart from speed building.

Topic: Matrimonial Dispute Resolution

Volume 1 : Dictation No. 8

Note: Outlines of all highlighted words/phrases are given at the end of the passage. Adopt all better outlines than yours.

With a view to fostering reconciliation and exploring the possibility of an amicable settlement of the matrimonial dispute between the parties, this Court had, at an earlier stage, directed both sides to appear before the Mediation Centre attached to this Court on a specified date and time. Such a direction was issued in keeping with the settled judicial policy that matrimonial disputes, being sensitive in nature, ought to be resolved through dialogue and mutual understanding wherever feasible, rather than through prolonged litigation. The parties accordingly appeared before the Mediation Centre and participated in the proceedings in good faith. However, despite earnest efforts made by the learned Mediator and cooperation extended by both sides, the mediation proceedings did not culminate in a settlement, and the same were reported as unsuccessful.

In light of the failure of mediation, the matter has now been taken up for adjudication on merits. The present

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petition has been filed by the petitioner-wife invoking the jurisdiction of this Court under Section 25 of the Code of Civil Procedure, seeking transfer of matrimonial proceedings initiated by the respondent-husband. The proceedings in question arise out of a petition filed under Section 9 of the Hindu Marriage Act, 1955, wherein the respondent-husband has sought restitution of conjugal rights. The said case is presently pending before the Family Court situated at a distant location from the place of residence of the petitioner-wife.

The principal ground urged by the petitioner-wife in support of the transfer petition is that she is facing considerable hardship in attending the proceedings at the present forum. It has been submitted that the petitioner is residing at her parental home, which is situated in another State, and the distance between the two places is substantial. The petitioner has further contended that she lacks independent financial resources and is unable to undertake frequent travel to attend court proceedings. Additionally, it has been emphasized that the petitioner does not have adequate support or escort to safely travel such long distances, thereby causing her serious inconvenience and prejudice.

On the other hand, the respondent-husband has opposed the transfer petition, contending that the proceedings have been validly instituted at the current forum and that no sufficient grounds exist for transferring the case. It is argued that the respondent would be inconvenienced if the case is transferred and that the petition is motivated by an intent to delay the proceedings.

Having heard the learned counsel appearing for the parties and upon perusal of the material available on

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record, this Court is of the considered view that in matrimonial matters, the convenience of the wife is a significant factor that must be taken into account while deciding transfer petitions. Judicial precedents have consistently held that where the wife is unable to conveniently attend proceedings at a distant forum, and where her plea is bona fide, the Court should ordinarily lean in favour of granting transfer to ensure that access to justice is not denied.

In the present case, sufficient cause has been made out by the petitioner-wife. The hardship pleaded by her appears to be genuine and not merely a pretext to avoid proceedings. The distance involved, coupled with her lack of independent means and support, would undoubtedly make it difficult for her to effectively participate in the proceedings if they continue at the present forum.

Accordingly, in the interest of justice and to ensure a fair opportunity to both parties, the transfer petition is allowed. The matrimonial case pending before the existing Family Court is hereby ordered to be transferred to a competent Family Court having jurisdiction over the place where the petitioner-wife currently resides. The transferor court is directed to transmit the entire record of the case to the transferee court without delay so that the proceedings may continue expeditiously in accordance with law.

Total Words: 632

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Outlines of all highlighted words and phrases. Note: Adopt only those outlines which are better than yours.

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