

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

**201**

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**IN VIRTUAL COURT**

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**TA No. 451 of 2020  
Date of decision : 5.2.2021**

**Monika Soni**

**.....Applicant**

**Vs.**

**Karan Soni**

**.....Respondent**

**Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present : Mr. Sushil Sheoran, Advocate, for the applicant  
Mr. Vikas Bishnoi Godara, Advocate, for the respondent

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**Rajbir Sehrawat, J. (Oral)**

This application has been filed under Section 24 CPC seeking transfer of the petition filed under Section 9 of the Hindu Marriage Act, 1955, bearing HMA No. 430 of 2020 titled as Karan Soni v. Monika Soni, which is pending before the Court of Additional District & Sessions Judge, Fatehabad, to the competent Family Court of jurisdiction in Bhiwani District.

It is submitted by the counsel for the petitioner that the marriage of the petitioner was solemnized at Hisar on 21.2.2015. On 11.4.2019 the respondent was shunted out of her matrimonial home after giving beatings and since then she has been residing at her parental house at Bhiwani. The petitioner is having a minor son to take care of. Besides, the petitioner is not having any independent source of income. Hence, the petitioner is not having the necessary means to attend the proceedings at a distance of about 135 kms., at Fatehabad. It is also submitted by the counsel for the petitioner that two other proceedings, one by way of an FIR under Sections 323, 498A, 506 and 34

IPC; and another under Section 125 Cr.P.C., are already pending before the Courts at Bhiwani. Therefore, it would be appropriate to transfer the petition filed by the respondent-husband from Fatehabad to the competent Court at Bhiwani. Accordingly, it is prayed that the petition filed by the respondent/husband under Section 9 of the Hindu Marriage Act be ordered to be transferred from the Court at Fatehabad to the competent Family Court in District Bhiwani.

The counsel for the respondent has vehemently opposed the transfer of the case and has submitted that the present petition has been filed only to harass the petitioner. Otherwise, the case is regularly being conducted at the competent Court.

Heard the learned counsel for the petitioner. However, this Court is deprived of benefit of any assistance from the side of the respondent.

It is well settled by now that in case of place of adjudication of the matrimonial disputes, it is the convenience of the wife which is to be given precedence over the convenience of the husband. Otherwise also, two other cases initiated at the instance of the present petitioner/wife are stated to be already pending at Courts at Bhiwani. In any case, the respondent/husband would be required to attend those cases at Bhiwani. Therefore, he would not be any seriously prejudiced if he attends one more case at Bhiwani. Furthermore, this court finds substance in the submission of the counsel for the petitioner that the petitioner is having a minor son to take care of; and that she is not having any independent source of income, therefore, it would cause great hardship to her if she is made to travel more than 100 kms. for attending the

Courts at Fatehabad. Hence, this Court is of the considered opinion that it would be in the interest of justice to transfer the petition bearing HMA No. 430 of 2020 titled as Karan Soni v. Monika Soni, from Courts at Fatehabad to the competent Family Court in District Bhiwani.

Accordingly, the present petition is allowed. The petition bearing HMA No. 430 of 2020 titled as Karan Soni v. Monika Soni, is ordered to be transferred from Fatehabad to the competent Court in District Bhiwani. The District & Sessions Judge, Fatehabad is directed to ensure the transfer of the record of the case to the Courts at Bhiwani. The District & Sessions Judge, Bhiwani is directed to assign the case to the competent Court under his jurisdiction; after receipt of the record of the same from the Courts at Fatehabad.

**(RAJBIR SEHRAWAT)**  
**JUDGE**

**5.2.2021**

*Ashwani*

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|-------------------|---|--------|
| Speaking/Reasoned | : | Yes/No |
| Reportable        | : | Yes/No |