



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.106

TA-54-2023 (O&M)
Date of Decision: 19.09.2024

KAVITA

....Applicant

Versus

SUBHASH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Poonam Rani, Advocate, for
Ms. Ramandeep Kaur Suhag, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 12.09.2024.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. DMC/1250/2021, titled '*Subhash Vs. Kavita*', filed by the respondent-husband, pending in the Family Court, Hisar and she seeks transfer of the same to the Court of competent jurisdiction at Fatehabad.

In pursuance of the notice issued, respondent did not make appearance, despite service. As such, he was proceeded against *ex parte*.

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that from the wedlock of the parties to the lis, two children were born, one girl and one boy, who are in the care and custody of the applicant, at present. However, on account of the matrimonial discord, the parties are residing separate.

There is no other litigation, filed by the applicant. The applicant has no



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source of income. In the given circumstances, it submitted that it is difficult for the applicant to defend the petition under Section 9 of the Hindu Marriage Act, from a distance of about 50-55 kilometres, from the place of her residence.

In view of the submission made by the counsel for the applicant, considering the convenience of the applicant-wife, more particularly, when she is not having any source of income and taking care of both the children born from the wedlock, it shall be difficult for her to commute a distance of 50-55 kilometres. Hence, the application is hereby accepted and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/1250/2021, titled '*Subhash Vs. Kavita*', filed by the respondent-husband, stands transferred from the Family Court, Hisar, to the Court of competent jurisdiction at Fatehabad. The requisite record of the aforesaid case be sent by the Family Court, Hisar, to the District and Sessions Judge, Fatehabad.

Learned District and Sessions Judge, Fatehabad, shall assign the said petition to the Family Court, Fatehabad. Even, the parties are directed to appear before the Family Court, Fatehabad, within a period of one month from today onwards.

19.09.2024

Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No