



TA-96-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.228

TA-96-2024

Date of Decision: 02.09.2024

GEETA RANI

....Applicant

Versus

KRISHAN LAL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Manju Goyal, Advocate for the applicant.

None for the respondent.

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, titled “*Krishan Lal v/s Geeta Rani*”, filed at the instance of the respondent/husband, from Family Court (Camp Court), Dabwali, District Sirsa to the court of competent jurisdiction at Bathinda.

Despite service, none has made appearance on behalf of the respondent. As such, respondent is proceeded against *ex parte*.

Learned counsel for the applicant heard.

It is submitted by learned counsel for the applicant that the marriage between the parties to the lis had taken place on 30.11.2012 and two children, aged 10 years and 6 years, respectively, are in the care and custody of the applicant. The applicant/wife has also filed one petition under Section 12 of Domestic Violence Act, prior to the filing of the petition under Section 9 of Hindu Marriage Act, at the instance of respondent/husband.



Also, it is submitted by learned counsel for the applicant that it is difficult for the applicant to defend the petition under Section 13 of the Hindu Marriage Act, filed at the instance of the respondent-husband, from a distance of about 300 kms from her place of residence, more particularly, while taking care of two minor children.

By and large, it is settled position of law that convenience of wife ought to be taken into consideration, while considering the transfer application, in case of matrimonial dispute.

Considering the submissions made by learned counsel for the applicant and the various circumstances, as spelt out, the application, as such, is hereby accepted and the petition under Section 9 of the Hindu Marriage Act, titled '*Krishan lal v/s Geeta Rani*', filed at the instance of respondent-husband, stands transferred from the Family Court, (Camp Court), Dabwali, District Sirsa to the Court of competent jurisdiction at Bathinda. The requisite record of the aforesaid divorce petition shall be transferred by the Family Court, Dabwali, District Sirsa to District and Sessions Judge, Bathinda.

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

(ARCHANA PURI)
JUDGE

02.09.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No