



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

Sr. No.366

TA-118-2024

Date of Decision: 24.10.2024

PINKI

....Applicant

Versus

MONU

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ashish Rana, Advocate for the applicant.

Mr. Mohit Garg, Advocate for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/86/2023, titled '*Monu Vs. Pinki*', filed by the respondent-husband, pending in the Family Court (Camp Court) Gohana, District Sonapat and she seeks transfer of the same to the Court of competent jurisdiction at Panipat.

In pursuance of the notice issued, respondent made appearance through counsel. At this stage, the counsel for the respondent submits that he has no objection, if the transfer application is allowed.

Learned counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage had taken place, between the parties to the lis on 29.03.2019 and no child was born from the said wedlock. However, due to the matrimonial discord, the parties are residing separate. The trial of the FIR bearing No.94 dated 05.06.2021, under Sections 323, 34, 376, 377, 406, 498-A, 506 and 511 IPC, got lodged by the applicant at Women Police Station, Panipat, is pending in the Courts at Panipat. Even, the petition under Section 125 Cr.P.C. is



pending in the Courts at Panipat. The respondent is making appearance in both the said cases. The applicant is having no source of earning and she is totally dependent upon her parental family. In the given circumstances, it is submitted that it is difficult for the applicant to defend the divorce petition, from a distance of about 100 kilometres, from the place of her residence.

Even, the counsel for the respondent has submitted that he has no objection, if the transfer application is allowed.

Considering the statement given by the counsel for the respondent and also keeping in view the preference to be given to the convenience of the wife, in case of transfer applications, relating to the matrimonial dispute, the application is accepted and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/86/2023, titled '*Monu Vs. Pinki*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Gohana, District Sonapat, to the Court of competent jurisdiction at Panipat. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Gohana, to the District and Sessions Judge, Panipat.

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

24.10.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No