



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.240

TA-123-2024

Date of Decision: 10.09.2024

RADHA

....Applicant

Versus

VIKASH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Mukesh Yadav, Advocate for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

In pursuance of notice issued, none has made appearance on behalf of the respondent, despite service. As such, he is proceeded against *ex parte*.

Learned counsel for the applicant heard.

The applicant/wife has filed the present application for seeking transfer of the divorce petition i.e. DMC/516/2023 titled '*Vikash Vs. Radha*', pending in Family Court Bhiwani and she seeks transfer of the same to Family Court (Camp Court) Kanina, District Mahendergarh.

At the very outset, it is submitted by the counsel for the applicant that the marriage of the parties to the lis, had taken place on 26.02.2020. From the said wedlock, two children were born, namely, Hardik, aged about 3 ½ years and Durvik, aged about 1 ½ years and the said children are in the care and custody of the applicant. However, due to the matrimonial discord, the parties are residing separate. The respondent is an employee of Delhi Police. Even, the applicant has filed the petition under Section 12 of the Protection of Women from



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Domestic Violence Act, as well as the petition under Section 125 Cr.P.C. and both the said cases are already pending in the Courts at Kanina, District Mahendergarh. In the given circumstances, it is difficult for the applicant to defend the divorce petition, from a distance of about 75 kilometres, from the place of her residence, more particularly, while taking care of two minor children.

In view of the submissions made aforesaid and taking into consideration the well settled position of law, about convenience of the wife to be given priority, in the transfer proceedings, relating to the matrimonial dispute and also looking at the distance of Kanina from Bhiwani to be 75 kilometres, the application is allowed and the divorce petition i.e. DMC/516/2023 titled '*Vikash Vs. Radha*' stands transferred from Family Court Bhiwani, to Family Court (Camp Court) Kanina, District Mahendergarh. The requisite record of the aforesaid divorce petition be sent by Family Court Bhiwani to the District and Sessions Judge, Mahendergarh.

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

10.09.2024

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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No