

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.105

TA-162-2024

Date of Decision: 20.12.2024

JYOTI RANI

....Applicant

Versus

RAJAN

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Lajpat Rai Sharma, Advocate
for the applicant.

Mr. Sandeep Kumar, Advocate for
Mr. G.C. Shahpuri, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

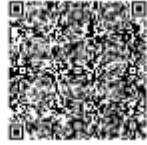
The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/48/2024, titled '*Rajan Vs. Jyoti Rani*', filed by the respondent-husband, pending in the Family Court, Yamuna Nagar and she seeks transfer of the same to the Court of competent jurisdiction at Safidon, District Jind.

In pursuance of the notice issued, respondent made appearance through counsel and filed reply.

Learned counsel for the parties heard.

At the very outset, the counsel for the applicant has submitted that the marriage between the parties to the lis, had taken place on 27.11.2015 and from the said wedlock, one girl child was born, who is about 7 years old. She is presently in the care and custody of the respondent.

However, it is submitted that the daughter was forcibly snatched from the



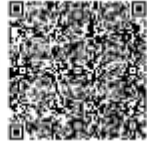
applicant and the respondent is not allowing her to meet the daughter.

Furthermore, it is submitted that the applicant has filed the petition under Section 12 of the Protection of Women from Domestic Violence Act, as well as the petition under Section 125 Cr.P.C and both the said cases are pending in the Courts at Safidon. Even, the trial of the FIR bearing No.12 dated 08.02.2022, got lodged by the applicant under Sections 323, 34, 406, 498-A and 506 IPC, at Women Police Station, Jind, is going on in the Courts at Safidon. The respondent is making appearance in all the said three cases. Also, it is submitted that the applicant is not having any source of earning and is totally dependent upon her parental family. In these circumstances, it is difficult for the applicant to commute a distance of about 140 kilometres, to defend the divorce petition.

On the contrary, the counsel appearing on behalf of the respondent refutes the claim of the applicant. Rather, he submits that the applicant was not taking care of the daughter. Also further, it is submitted that the mother of the respondent is suffering from cancer, as a result whereof, it will be difficult for him, to pursue the divorce petition, if so transferred.

In view of the aforesaid submissions, it is essential to take note of the fact that all the three cases, filed by the applicant, are already pending in the Courts at Safidon and the respondent is already making appearance in the same.

Considering the aforesaid fact situation and also considering the position of law about preference to be given to the convenience of the wife in the transfer applications relating to the matrimonial dispute, the transfer application is allowed and the petition under Section 13 of the Hindu



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Marriage Act i.e. HMA/48/2024, titled '*Rajan Vs. Jyoti Rani*', filed by the respondent-husband, stands transferred from the Family Court, Yamuna Nagar, to the Court of competent jurisdiction at Safidon, District Jind. The requisite record of the aforesaid case be sent by the Family Court, Yamuna Nagar, to the District and Sessions Judge, Jind.

On query by the Court, it is submitted by the counsel for the applicant that all the three cases aforesaid, which are pending in Safidon, are being tried by one Court. In the given circumstances, learned District and Sessions Judge, Jind, shall assign the petition under Section 13 of the Hindu Marriage Act, to the same Court. Even, the parties are directed to appear before the Court concerned, within a period of one month from today onwards.

Looking at the convenience of the parties, the concerned Court is requested to accommodate the parties, while giving the same date, in two or more cases.

Accordingly, the application stands disposed of.

20.12.2024

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No