



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.114

TA-219-2024

Date of Decision: 19.12.2024

MADHU

....Applicant

Versus

PAWAN KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ram Pal Verma, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 10.12.2024.

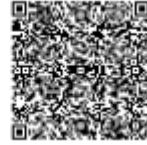
ARCHANA PURI, J. (Oral)

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/656/2023, titled '*Pawan Kumar Vs. Madhu*', filed by the respondent-husband, pending in the Family Court, Bhiwani and she seeks transfer of the same to the Court of competent jurisdiction at Jhajjar.

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

Learned counsel for the applicant heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis was solemnized on 11.02.2006. Two children were born from the said wedlock, who are presently in the care and custody of the applicant. Also, it is submitted that the applicant is not working and as such, has no independent source of earning. She along with the children, is residing at her parental place in



TA-219-2024

District Bhiwani.

Furthermore, it is submitted that the respondent claims that he has already married another woman and he has two children from the said wedlock. The applicant has got lodged an FIR bearing No.122 dated 30.11.2016, under Sections 498-A, 406, 494 and 506 IPC, at Women Police Station, Jhajjar and the trial of the same is pending in the Courts at Jhajjar. The respondent is making appearance in the same. Besides the same, even the petition under Section 12 of the Protection of Women from Domestic Violence Act, was filed, which has since been disposed of by the Family Court and the maintenance was fixed. However, the respondent did not comply with the said order and as such, the execution petition bearing No.56/2020 was filed and arrest warrant have been issued. Also, it is submitted that revision petition has also been filed qua the order passed on the petition filed under the Protection of Women from Domestic Violence Act, for seeking enhancement of maintenance is also pending in the Courts at Jhajjar.

In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 70 kilometres, to defend the divorce petition, more particularly, while taking care of the school-going children.

In view of 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, more particularly, when the respondent has not appeared to contest the application despite service, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/656/2023, titled '*Pawan*



Kumar Vs. Madhu’, filed by the respondent-husband, stands transferred from the Family Court, Bhiwani, to the Court of competent jurisdiction at Jhajjar. The requisite record of the aforesaid case be sent by the Family Court, Bhiwani, to the District and Sessions Judge, Jhajjar.

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

19.12.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No