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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.125

TA-286-2024

Date of Decision: 26.09.2024

POOJA

....Applicant

Versus

ROOP KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ashutosh K. Singh, Advocate, for
Mr. Prateek Rathee, Advocate
for the applicant.

Mr. Yashveer Kharb, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

At this stage, the counsel for the respondent has made appearance and he makes an oral submission to allow the respondent to join the proceedings, as he was proceeded against *ex parte*, on the last date of hearing.

In view of the submission made, the respondent is allowed to join proceedings. However, the counsel for the respondent submits that he does not want to file reply, though, he contests the transfer application.

Learned counsel for the parties heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act, titled '*Roop Kumar Vs. Pooja*', filed by the respondent-husband, pending in the

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Family Court Meham and she seeks transfer of the same to the Court of competent jurisdiction at Hisar.

It is submitted by the counsel for the applicant that the marriage had taken place between the parties to the lis, on 10.12.2019. Two daughters born from the wedlock of the parties to the lis on 18.10.2020 and 24.07.2023, are in the care and custody of the applicant. The applicant is a housewife and has no source of earning. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 75 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act, more particularly, while having the custody of two minor daughters. Also, it is submitted that the petition under Section 125 Cr.P.C. and the petition under Section 12 of the Protection of Women from Domestic Violence Act, are pending in the Courts at Hisar.

On query by the Court, the counsel for the respondent has submitted that the respondent is already making appearance in the petition under the Protection of Women from Domestic Violence Act, though the case is fixed for appearance of other respondents. Also, the counsel for the respondent, though, has not filed reply, but he submits that there was adjustment problem with the applicant, as a result whereof, the parties are residing separate.

In view of the submissions aforesaid, considering the settled position of law about weightage to be given to the convenience of wife in the transfer applications, relating to the matrimonial dispute and also considering the fact that minor daughters are in the care and custody of the applicant, the application is hereby accepted and the petition under Section 9 of the Hindu Marriage Act, titled '*Roop Kumar Vs. Pooja*', filed by the

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respondent-husband, stands transferred from the Family Court, Meham, to the Court of competent jurisdiction at Hisar. The requisite record of the aforesaid case be sent by the Family Court, Meham, to the District Courts, Hisar.

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

26.09.2024

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No