



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

Sr. No.121**TA-284-2024****Date of Decision: 09.12.2024****SONIA DEVI****....Applicant****Versus****SAKET SAINI****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI****Present:-** Mr. Pranav Chamoli, Advocate for the applicant.

Respondent proceeded against *ex parte*
vide order dated 04.12.2024.

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/53/2023, titled '*Saket Saini Vs. Sonia Devi*', filed by the respondent-husband, pending in the Family Court, Rohtak and she seeks transfer of the same to the Family Court (Camp Court) Ganaur, District Sonipat.

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

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 28.11.2014. Two children, son about 8 years old and daughter about 6 years old, were born from the said wedlock, who are presently in the care and custody of the applicant. Also, it is submitted that on account of the matrimonial discord, FIR was got lodged by the applicant under Sections 323, 34, 406 and 498-A IPC and the trial was faced by the respondent, though he was acquitted in the same, vide



judgment dated 19.07.2023. Furthermore, it is submitted that the applicant had filed the petition under Section 125 Cr.P.C., which was disposed of by the Family Court Ganaur, vide order dated 02.06.2023.

Further, it is submitted that the applicant is not working and as such, does not have any independent source of earning. She is dependent upon her aged mother, who is also a cancer patient. 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 divorce petition, more particularly, while taking care of two minor children.

Considering the submissions made by the counsel for the applicant and also considering the fact about convenience of the wife to be taken into consideration, as per the settled law, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/53/2023, titled '*Saket Saini Vs. Sonia Devi*', filed by the respondent-husband, stands transferred from the Family Court Rohtak, to Family Court (Camp Court) Ganaur, District Sonipat. The requisite record of the aforesaid case be sent by the Family Court, Rohtak, to the District and Sessions Judge, Sonipat.

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

09.12.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No