



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

Sr. No.102

**TA-342-2023 (O&M)
Date of Decision: 20.12.2024**

RAJNI

....Applicant

Versus

HARSH LATAWA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ankit Joshi, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 18.12.2024.

ARCHANA PURI, J. (Oral)

CM-5104-CII-2023

Keeping in view the averments made in the application, same is
allowed.

Main case

The applicant-wife has filed the present application for seeking
transfer of the petition under Section 9 of the Hindu Marriage Act i.e.
DMC/146/2023, titled '*Harsh Latawa Vs. Rajni*', filed by the respondent-
husband, pending in the Family Court, Patiala and she seeks transfer of the
same to the Court of competent jurisdiction at Bathinda.

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.

It is submitted by the counsel for the applicant that the marriage

between the parties to the lis, had taken place on 14.08.2021, but no child



TA-342-2023 (O&M)

was born from the said wedlock. However, on account of the matrimonial discord, the parties are residing separate. The applicant has already filed the petition under the Protection of Women from Domestic Violence Act, which is pending in the Courts at Bathinda and the respondent is making appearance in the same. The case is fixed for recording of evidence. It is submitted that when the applicant is not having any source of earning, it is difficult for her to commute a distance of about 150-160 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

Keeping in view the aforesaid fact situation as well as considering the position of law about weightage to be given to the convenience of the wife in the transfer applications relating to the matrimonial dispute and also considering the respondent not having made appearance to contest the application, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/146/2023, titled '*Harsh Latawa Vs. Rajni*', filed by the respondent-husband, stands transferred from the Family Court, Patiala, to the Court of competent jurisdiction at Bathinda. The requisite record of the aforesaid case be sent by the Family Court, Patiala, to the District and Sessions Judge, Bathinda.

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

(ARCHANA PURI)
JUDGE

20.12.2024
Himanshu

Whether speaking/reasoned : Yes

Whether reportable : Yes/No