



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.105

TA-393-2023

Date of Decision: 16.12.2024

MEENAKSHI BHUTANI

....Applicant

Versus

BALJEET BHUTANI

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. B.K. Mehta, Advocate
for the applicant.

Ms. Priya Singla, Legal Aid Counsel,
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. DMC/17/2023, titled '*Baljeet Bhutani Vs. Meenakshi Bhutani*', filed by the respondent-husband, pending in the Family Court, Hisar and she seeks transfer of the same to the Court of competent jurisdiction at Bathinda.

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

Learned counsel for the parties heard.

At the very outset, the counsel for the applicant has submitted that two children were born from the wedlock of the parties to the lis, who are in the age group of 11-17 years. The applicant has no independent source of earning. Also, it is submitted that she is a handicapped woman, who has locomotor disability i.e. "*Autoimmune encephalitis with seizure disorder*", which is to the extent of 65%, on account of which, it is difficult



for her to commute a distance of about 150 kilometres, from the place of her residence. Besides the aforesaid, also it is submitted that the applicant has filed the petition under the Protection of Women from Domestic Violence Act, as well as the Guardianship petition, which are pending in the Courts at Bathinda and the respondent is making appearance in the said cases, which fact is not disputed by the counsel for the respondent.

In view of the aforesaid fact situation, considering the position of law about preference to be given to the convenience of the wife in transfer applications relating to the matrimonial dispute, more particularly, while the applicant is a handicapped woman, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/17/2023, titled '*Baljeet Bhutani Vs. Meenakshi Bhutani*', filed by the respondent-husband, stands transferred from the Family Court, Hisar, to the Court of competent jurisdiction at Bathinda. The requisite record of the aforesaid case be sent by the Family Court, Hisar, 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.

16.12.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No