



TA-432-2024 (O&M)

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

Sr. No.262

**TA-432-2024 (O&M)
Date of Decision: 10.12.2024**

Usha**....Applicant****Versus****Vikash****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Parveen Kaushik, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per observations made in the order dated 06.08.2024, none had made appearance on behalf of the respondent. Today also, none has made appearance on his behalf. As such, respondent is proceeded against *ex parte*.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 (1) of Hindu Marriage Act i.e. DMC/4/2024, titled '*Vikash v/s Usha*', filed by the respondent-husband, pending in the Family Camp Court, Ganaur, District Sonapat and she seeks transfer of the same to the court of competent jurisdiction at Jhajjar.

Counsel for the applicant heard.

It is submitted by the counsel for the applicant that marriage between the parties had taken place on 23.10.2021 and one daughter, aged about one and half years, born from the said wedlock, is presently in the care



and custody of the applicant. However, due to the matrimonial discord, the parties are residing separate. The applicant is not having any source of earning. The applicant has also filed one petition under Section 125 Cr.P.C. which is pending in the courts at Jhajjar. The said case is at the appearance stage. In the given circumstances, it is stated that it is difficult for the applicant to defend the petition under Section 13 (1) of Hindu Marriage Act, from a distance of about 94 kms, from the place of her residence.

Considering the submissions, so made by learned counsel for the applicant and also considering the fact about convenience of the wife to be taken into consideration, as per the settled law, without prejudice to the rights of the parties to be adjudicated on merits, the instant transfer application, as such, is hereby accepted and the petition under Section 13 (1) of Hindu Marriage Act i.e. DMC/4/2024, titled '*Vikash v/s Usha*', filed by the respondent-husband, stands transferred from the Family Court, Ganaur, District Sonapat, to the Court of competent jurisdiction at Jhajjar. The requisite record of the aforesaid divorce petition be transferred to the transferee court.

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.

10.12.2024
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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No