



TA-477-2024

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

Sr. No.116

TA-477-2024

Date of Decision: 19.09.2024

SUSHIL DEVI

....Applicant

Versus

SATYAWAN

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. H.N. Sahu, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 11.09.2024.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the divorce petition i.e. HMA/425/2024, titled '*Satyawan Vs. Sushil Devi*', filed by the respondent-husband, pending in the Family Court, Faridabad and she seeks transfer of the same to the Court of competent jurisdiction at Tosham, District Bhiwani.

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

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that marriage between the parties to the lis, had taken place on 26.11.2007. However, on account of the matrimonial discord, they are residing separate. Three



TA-477-2024

children born from the said wedlock, who are in the age-group of about 11-14 years, are in the care and custody of the applicant. The applicant has already filed the petition under Section 12 of the Protection of Women from Domestic Violence Act, which is pending in Family Court (Camp Court) Tosham, District Bhiwani. Besides the same, the execution under Section 125(3) of Cr.P.C., filed by the petitioner, is also pending in Family Court (Camp Court) Tosham, District Bhiwani.

Also, it is submitted by the counsel that the respondent is posted as Head Constable in Haryana Police and his present posting is in Faridabad. Therefore, he weilds influence in Faridabad. As such, a prayer has been made for transfer of the divorce petition from Faridabad, to the Court of competent jurisdiction at Tosham, District Bhiwani.

In view of the submissions aforesaid, considering the settled position of law about weightage to be given to the convenience of the wife in case of transfer applications, relating to matrimonial dispute, more particularly considering the fact that three children born from the wedlock are in the care and custody of the applicant, as well as the fact of the respondent, being posted at Faridabad in Police Department and also considering the distance between the two places to be about 240 kilometres, the application is hereby accepted and the divorce petition i.e. HMA/425/2024, titled '*Satyawan Vs. Sushil Devi*', filed by the respondent-husband, stands transferred from the Family Court, Faridabad, to Family Court (Camp Court) Tosham, District Bhiwani. The requisite record of the aforesaid case be sent by the Family Court, Faridabad, to the District and Sessions Judge, Bhiwani.



TA-477-2024

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

19.09.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No