



TA-498-2024

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

Sr. No.219

TA-498-2024

Date of Decision: 28.08.2024

MUSKAN

....Applicant

Versus

BIRENDER

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Yogesh Jangra, Advocate for the applicant.

None for the respondent.

\*\*\*\*\*

**ARCHANA PURI, J. (Oral)**

Despite service, none has made appearance on behalf of the respondent. As such, respondent is proceeded against *ex parte*.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of Hindu Marriage Act titled '*Birender v/s Muskan* ', filed at the instance of respondent-husband, pending in the Family Court, Mohindergarh, to the Court of competent jurisdiction at Camp Court, Hansi, District Hisar.

In pursuance of the notice issued, respondent had not made appearance. As such, he has been proceeded against *ex parte*.

Learned counsel for the applicant-wife heard.

At this stage, learned counsel for the applicant submits that no child was born from the wedlock of the parties to the lis. However, due to matrimonial discord, they are residing separate. The applicant has filed the complaint before Women Police Station, Hansi, which is still under the process of inquiry. Learned counsel further submits that the applicant has



TA-498-2024

no source of earning and is residing at her parental place along with her parents. In these circumstances, it is difficult for her to defend the petition under Section 9 of Hindu Marriage Act, filed at the instance of the respondent/husband, at a place, which is at a distance of about 120 kms from her place of 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 9 of Hindu Marriage Act titled '*Birender v/s Muskan* ', filed at the instance of respondent-husband, stands transferred from the Family Court, Mohindergarh to the Court of competent jurisdiction at Hisar. The requisite record of the aforesaid divorce petition shall be transferred by the Family Court, Mohindergarh to District and Sessions Judge, Hisar.

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

28.08.2024  
Sonu

(ARCHANA PURI)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No