



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.118

TA-686-2024

Date of Decision: 18.09.2024

ANJALI

....Applicant

Versus

BHAGIRATH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. S.S. Kaushik, 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 petition under Section 13 of the Hindu Marriage Act i.e. DMC/252/2024, titled '*Bhagirath Vs. Anjali*', filed by the respondent-husband, pending in Family Court Bhiwani and she seeks transfer of the same to the Court of competent jurisdiction at Jind.

In pursuance of notice issued, none had made appearance on behalf of the respondent, 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 on account of the matrimonial discord, the parties to the lis are residing separate. Two sons were born from this wedlock, who are aged about 6 years and 3 years and they are in the care and custody of the applicant. The elder son is studying in Class-I, in the school in Village Devrar, District Jind. The applicant has filed the petition under Section 125 Cr.P.C., which is already



pending in the Courts at Jind. The applicant is not having any source of income. In the given circumstances, it is submitted that it is difficult for the applicant to defend the divorce petition, from a distance of about 60 kilometres, from the place of her residence, more particularly, while she is taking care of two minor children, one of whom is studying in the school at Village Devrar, District Jind. As such, a prayer has been made for transfer of the divorce petition from Family Court Bhiwani, to Family Court Jind.

In view of the aforesaid fact situation, considering the settled position of law, about the conveneince of wife to be taken into consideration, in the transfer applications, relating to the matrimonial dispute, more particularly, considering the distance between the two places and keeping in view the custody of two minor children being with the applicant, the application is hereby accepted and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/252/2024, titled '*Bhagirath Vs. Anjali*', filed by the respondent-husband, stands transferred from Family Court Bhiwani, to the Court of competent jurisdiction at Jind. The requisite record of the aforesaid case be sent by Family Court Bhiwani, to the District and Sessions Judge, Jind.

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

18.09.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No