



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.120

TA-694-2024

Date of Decision: 23.10.2024

JYOTI SHARMA

....Applicant

Versus

SUDHIR SHARMA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Nipun Bhardwaj, Advocate
for the applicant.

None for the respondent.

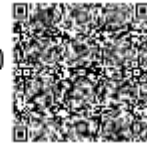
ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1261/2022, titled '*Sudhir Sharma Vs. Jyoti*', filed by the respondent-husband, pending in the Family Court (Camp Court) Naraingarh, District Ambala and she seeks transfer of the same to the Court of competent jurisdiction at Chandigarh.

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

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage had taken place, between the parties to the lis on 03.11.2014, but no child was born from the said wedlock. However, due to the matrimonial discord, they are residing separate. The applicant has already filed the petition under Section 125 Cr.P.C., as well as the petition under Section 12 of the



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Protection of Women from Domestic Violence Act and both the said cases are pending in the Courts at Chandigarh. The applicant is having no independent source of earning. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 60 kilometres, to defend the divorce petition.

In view of the aforesaid fact situation and also taking into consideration the preference to be given to the convenience of the wife, in case of transfer applications relating to the matrimonial dispute, the application is accepted and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1261/2022, titled '*Sudhir Sharma Vs. Jyoti*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Naraingarh, District Ambala, to the Court of competent jurisdiction at Chandigarh. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Naraingarh, to the District and Sessions Judge, Chandigarh.

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

23.10.2024

Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No