

TA-727-2023

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

Sr. No.210

TA-727-2023

Date of Decision: 25.09.2024**JYOTI****....Applicant****Versus****SANJEEV KUMAR****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Davinder Lubana, 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 titled '*Sanjeev Kumar Vs. Jyoti*', filed by the respondent-husband, pending in the Family Court, Jagadhri and she seeks transfer of the same to the Court of competent jurisdiction at Panchkula.

In pursuance of the notice issued, respondent did not make appearance, despite service. Even, the respondent did not appear today. As such, the respondent is proceeded against *ex parte*.

Learned counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 24.04.2022, but however, no child was born from the said wedlock. The applicant had already filed complaint before the police, on the basis whereof, FIR bearing No.30 dated 24.03.2023, under Sections 120-B, 313, 323, 406, 498-A, 506 and 377 IPC, was registered at Women Police Station, Panchkula. Also, it is submitted that, at the time of filing of the present application, the said FIR was under investigation. However, now the challan has been presented and the respondent, who is the accused in the same, is making appearance before the Trial Court. Also, it is submitted that the respondent is employed in Ordnance Cable Factory, Chandigarh. Solely with the purpose to harass the applicant, the divorce petition has been filed by the respondent-husband at Jagadhri, which is at a distance of about 100 kilometres from Panchkula.

In view of the submissions aforesaid and considering the weightage to be given to the convenience of the wife, in the transfer applications relating to the matrimonial dispute, more particularly, considering the fact that the respondent had not come forth to contest the transfer application, the application is hereby accepted and the petition under Section 13 of the Hindu Marriage Act titled '*Sanjeev Kumar Vs. Jyoti*', filed by the respondent-husband, stands transferred from the Family Court, Jagadhri, to the Court of competent jurisdiction at Panchkula. The requisite record of the aforesaid case be sent by the Family Court, Jagadhri, to the District and Sessions Judge, Panchkula.

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

25.09.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No