

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.139

Date of Decision: 09.09.2024

1. TA-703-2024
PRIYANKA
....Applicant

Versus

VIKASH
.....Respondent

2. TA-718-2024
MEENA
....Applicant

Versus

NAVEEN
.....Respondent

3. TA-704-2024
PRIYANKA AND ANOTHER
....Applicants

Versus

SAVITRI DEVI
.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rahul Noorie, Advocate, for
Mr. Abhimanyu Singh, Advocate
for the applicant(s) (in all the applications).

Respondent(s) proceeded against *ex parte*
vide order dated 05.09.2024.

ARCHANA PURI, J. (Oral)

TA-703-2024; TA-718-2024 AND TA-704-2024

These are three transfer applications, filed by two sisters, to seek transfer of various cases, arising out of the matrimonial dispute with their respective husbands and their family.

TA-703-2024 has been filed by the applicant-wife, Priyanka, for seeking transfer of the petition under Section 9 of the Hindu Marriage Act, titled '*Vikash Vs. Priyanka*', filed by the respondent-husband.

TA-718-2024 has been filed by the applicant-wife, Meena, for seeking transfer of the petition under Section 9 of the Hindu Marriage Act, titled '*Naveen Vs. Meena*', filed by the respondent-husband.

TA-704-2024 has been filed by the applicants, Priyanka and Meena, for seeking transfer of the petition under Section 12 of the Protection of Women from Domestic Violence Act, titled '*Savitri Devi Vs. Priyanka and another*', filed by the respondent/mother-in-law.

All the cases are pending in the Courts at Narnaul and the applicants seek transfer of the same to the Court of competent jurisdiction at Bhiwani.

In pursuance of the notice issued, respondent(s) did not make appearance, despite service. As such, they were proceeded against *ex parte*.

Learned counsel for the applicant(s) heard.

These are the cases of the applicants/two sisters, having got married to two brothers on the same date, but unfortunately, the matrimonial dispute arose with their respective husbands and as a result thereof, the litigation started between the parties. The respective husbands of both the sisters filed the petitions under Section 9 of the Hindu Marriage Act, whereas the mother-in-law of both the sisters, filed the petition under Section 12 of the Protection of Women from Domestic Violence Act. As a result of initiation of the aforesaid litigation by

the respondents, the applications have been filed for seeking transfer of the aforesaid litigation from Narnaul to Bhiwani.

In this backdrop, at the very outset, it is submitted by the counsel for the applicant(s) that both Priyanka and Meena, have one son each, who are in the age bracket of 1-2 years. Both the said sons are with their respective mothers, who are residing, at present, with their parents at Bhiwani. Also, it is submitted by the counsel that both the said sisters are not working and not having any independent source of earning. As such, they are totally dependent upon their parents. Furthermore, it is submitted that both the sisters, Priyanka and Meena, have also filed their respective petitions under Section 125 Cr.P.C., which are pending in the Courts at Bhiwani. Even, Meena had got lodged an FIR bearing No.68 dated 30.06.2023, under Sections 323, 34, 342, 498-A and 506 IPC, at Women Police Station, District Bhiwani and the same is pending trial in the Court of Chief Judicial Magistrate, Bhiwani. Even, both the sisters have filed the petitions under Section 12 of the Protection of Women from Domestic Violence Act against their respective husbands and the same are also pending in the Courts at Bhiwani.

It is a well settled position of law that in the transfer applications, relating to the matrimonial disputes, convenience of the wife ought to be taken into consideration. Considering the same and also taking into consideration the distance between Bhiwani and Narnaul to be about 100 kilometres, as well as the fact of the applicant(s) taking care of minor sons, the applications are hereby accepted and all the three cases stand transferred from the Courts at Narnaul, to the Court of competent jurisdiction at Bhiwani. The requisite record of the

TA-703-2024; TA-718-2024 AND TA-704-2024

aforesaid cases be sent by the Courts concerned at Narnaul, to the District and Sessions Judge, Bhiwani.

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

09.09.2024

Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No