

TA-727-2024

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

Sr. No.114

TA-727-2024

Date of Decision: 25.09.2024

MONIKA

....Applicant

Versus

SOMBIR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sumit Sangwan, 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/306/2024, titled '*Sombir Vs. Monika*', filed by the respondent-husband, pending in the Family Court, Jind and she seeks transfer of the same to the Court of competent jurisdiction at Tosham, District Bhiwani.

In pursuance of the notice issued, respondent did not make appearance, despite service. Even, on the last date of hearing, none has made appearance on his behalf. As such, the respondent 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 06.10.2020. It was a love marriage and from the said wedlock, one daughter was born on 12.10.2021, who is in the care and custody of the applicant. Also, it is submitted that the applicant is on a family way. The applicant was four months' pregnant, when she along with the daughter was ousted from the matrimonial house. Also, it is submitted that there is no other litigation qua the matrimonial dispute, initiated by the applicant. The distance between Village Saral and Jind, is stated to be 85 kilometres. The applicant is dependent upon her parental family and she has no independent source of earning.

In view of the submissions aforesaid, it is pertinent to mention that it is a settled position of law about the weightage to be given to the convenience of the wife, in the transfer applications relating to the matrimonial dispute. Considering the aforesaid submissions made by the counsel for the applicant, while taking into consideration the distance of Jind to be about 85 kilometres from the parental village of the applicant, more particularly, while she is on family way, the application is hereby accepted and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/306/2024, titled '*Sombir Vs. Monika*', filed by the respondent-husband, stands transferred from the Family Court, Jind, to the Court of competent jurisdiction at Tosham, District Bhiwami. The requisite record of the aforesaid case be sent by the Family Court, Jind, to the District and Sessions Judge, Bhiwani.

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

25.09.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No