

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

Sr. No.125

TA-733-2024

Date of Decision: 24.10.2024

RAJVIR KAUR

....Applicant

Versus

BHUPESH GUPTA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ramandeep Singh, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 19.09.2024.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. DMC/317/2024, titled '*Bhupesh Gupta Vs. Rajvir Kaur*', filed by the respondent-husband, pending in the Family Court, Bathinda and she seeks transfer of the same to the Court of competent jurisdiction at Sangrur.

In pursuance of the notice issued, respondent did not make appearance. As such, he was 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 28.11.2022, but no child was born from the said wedlock. However, on account of the matrimonial discord, the parties are residing separate. The applicant has filed the petition under Section 125 Cr.P.C. i.e. MNT-125/10/2024, as well as the petition under Section 12(1) of the Protection of Women from Domestic Violence

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Act i.e. COMA/280/2024. Both the said cases are pending in the Courts at Sangrur and the respondent is making appearance in the same. In the given circumstances, it is submitted that for the convenience of the applicant, the petition under Section 9 of the Hindu Marriage Act, which is pending in the Courts at a distance of about 105 kilometres, from the place of residence of the applicant, be transferred to the Courts at Sangrur, where two cases arising from the matrimonial dispute, are already pending.

In view of the submissions made aforesaid and also considering the preference to be given to the convenience of the wife, in case of transfer applications, relating to the matrimonial dispute, more particularly, taking into consideration the fact that two cases, as detailed aforesaid, are already pending in the Courts at Sangrur, the application is accepted and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/317/2024, titled '*Bhupesh Gupta Vs. Rajvir Kaur*', filed by the respondent-husband, stands transferred from the Family Court, Bathinda, to the Court of competent jurisdiction at Sangrur. The requisite record of the aforesaid case be sent by the Family Court, Bathinda, to the District and Sessions Judge, Sangrur.

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

24.10.2024

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No