



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.104

TA-787-2023 (O&M)
Date of Decision: 19.12.2024

SHIVANI

....Applicant

Versus

RAM PHAL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

Respondent proceeded against *ex parte*
vide order dated 04.12.2024.

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. HMA/188/2022, titled '*Ram Phal Vs. Shivani*', filed by the respondent-husband, pending in the Family Court, Karnal and she seeks transfer of the same to the Court of competent jurisdiction at Panipat.

In pursuance of the notice issued, respondent did not make appearance and 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 between the parties to the lis, had taken place on 06.12.2020, but no child was born from the said wedlock. However, due to the matrimonial discord, the parties are residing separate. Even, the respondent has filed the petition under Section 125 Cr.P.C. and the petition under Section 13 of the Hindu Marriage Act, which are pending in the Courts at Panipat. The respondent is



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making appearance in the said cases. Besides the same, the respondent is facing trial in FIR bearing No.153 dated 18.08.2021, under Sections 323, 376, 498-A and 506 IPC, got lodged by the applicant at Women Police Station, Panipat. The applicant is not working and as such has 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 petition under Section 9 of the Hindu Marriage Act.

In view of the aforesaid fact situation and also considering the position of law about preference to be given to the convenience of the wife in the transfer applications relating to the matrimonial dispute, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/188/2022, titled '*Ram Phal Vs. Shivani*', filed by the respondent-husband, stands transferred from the Family Court, Karnal, to the Court of competent jurisdiction at Panipat. The requisite record of the aforesaid case be sent by the Family Court, Karnal, to the District and Sessions Judge, Panipat.

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

19.12.2024

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No