



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

Sr. No.201

TA-770-2024

Date of Decision: 07.08.2024

MONIKA

....Applicant

Versus

BALBIR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Tarun Dhingra, Advocate, for
Mr. Diwan S. Adlakha, Advocate
for the applicant.

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/677/2023, titled '*Balbir Vs. Monika*', filed at the instance of respondent-husband, pending in the Family Court Sonipat and she seeks transfer of the same to Family Court (Camp Court) Derabassi, District SAS Nagar.

In pursuance of the notice issued, Mr. Balkar Singh, Advocate, has made appearance on behalf of the respondent and filed Power of Attorney, which is taken on record. However, learned counsel for the respondent does not intend to file reply to the instant application, as he submits that he has no objection if the application is allowed and the divorce petition, filed at the instance of the respondent-husband is transferred.



Learned counsel for the parties heard.

It is submitted by learned counsel for the applicant that Viran, son born from the wedlock of the parties to the lis, who is a student of 6th Class in Kendriya Vidyalaya, Chandimandir, is in the care and custody of the applicant. The father of the applicant has since died and now, the applicant is residing at the mercy of her family members. Also, it is submitted that the petition under Section 125 Cr.P.C., filed at the instance of the applicant, is already pending in Family Court (Camp Court) Derabassi, District SAS Nagar and in the said petition, the respondent is making appearance. Furthermore, it is submitted that the applicant has no source of earning and in the given circumstances, it is difficult for her to defend the divorce petition, filed at the instance of the respondent-husband at Sonipat, while residing at Derabassi. As such, a prayer has been made for transfer of the case, pending at Family Court Sonipat, to Family Court (Camp Court) Derabassi, District SAS Nagar.

In view of the submission made by learned counsel for the respondent and looking at the convenience of the applicant-wife to defend the divorce petition, more particularly, when she is taking care of the minor child, who is a student of 6th Class and residing in Derabassi, the instant application, as such, is hereby accepted and the petition under Section 13 of the Hindu Marriage Act i.e. i.e. HMA/677/2023, titled '*Balbir Vs. Monika*', filed at the instance of respondent-husband, stands transferred from the Family Court Sonipat to Family Court (Camp Court) Derabassi, District SAS Nagar. The requisite record of the aforesaid divorce petition shall be transferred by the Family Court Sonipat to District and Sessions Judge, SAS Nagar.



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

07.08.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No