

TA-830-2023

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

Sr. No.217

TA-830-2023

Date of Decision: 10.09.2024

SANGEETA

....Applicant

Versus

VIKASH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Amit Kohar, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

In pursuance of the notice issued, respondent did not make appearance, despite service. As such, he is proceeded against *ex parte*.

Learned counsel for the applicant heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/95/2023, titled '*Vikash Vs. Sangeeta*', filed by the respondent-husband, pending in Family Court Charkhi Dadri and she seeks transfer of the same to the Court of competent jurisdiction at Hansi, District Hisar.

It is submitted by the counsel for the applicant that the marriage between the parties, was solemnized on 08.12.2019, but no child was born from the said wedlock. However, due to the matrimonial discord, the parties are residing separate. The said matrimonial dispute, as such, has also led to various rounds of litigation. It is further submitted that the petition under Section 125

Cr.P.C. was filed by the applicant, in the Courts at Hansi and the same is pending adjudication. The respondent is making appearance in the same. Besides the petition filed for seeking maintenance, the applicant has also got lodged an FIR bearing No.489 dated 21.07.2021, under Sections 323, 343, 354-A, 406, 498-A, 504 and 34 IPC, at Police Station Hansi City, District Hisar, against the respondent and his family members. The trial qua the said FIR is going on in the Courts at Hansi. The respondent is making appearance in the said case also. Also further, it is submitted that presently, the applicant is residing with her parents and she has no source of earning. The distance between Charkhi Dadri and Hansi is about 120 kilometres. In the given circumstances, it is submitted that it is difficult for the applicant to defend the divorce petition, from such a distance, more particularly, when no maintenance, as such, is paid by the respondent.

It is a settled position of law that the convenience of the wife, ought to be taken into consideration in the transfer applications, relating to the matrimonial dispute. Considering the same and also considering the distance between Charkhi Dadri and Hansi, more particularly, considering the fact that other litigation, arising from the matrimonial alliance, to be pending in the Courts at Hansi, wherein the respondent is already making appearance, the application is hereby accepted and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/95/2023, titled '*Vikash Vs. Sangeeta*', filed by the respondent-husband, stands transferred from Family Court Charkhi Dadri, to the Court of competent jurisdiction at Hansi, District Hisar. The requisite record of the aforesaid case be sent by Family Court Charkhi Dadri, to the District and Sessions Judge, Hisar.

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

10.09.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No