

TA-802-2024

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2024:PHHC:120004



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.157

TA-802-2024

Date of Decision: 12.09.2024

RUBY @ RUBY BIRIWAL

....Applicant

Versus

AMIT KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rahul Singh and Mr. Purshotam Singh, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As observed in the order dated 21.08.2024, none has made appearance on behalf of the respondent, despite service having effected. As such, the respondent 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. HMA/1000/2022, titled '*Amit Kumar Vs. Ruby Biriwal*', filed by the respondent-husband, pending in Family Court Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Yamuna Nagar.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis had taken place on 27.11.2020. However, on account of matrimonial discord, they are residing separate. The applicant



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had filed the petition under Section 125 Cr.P.C., while she was staying in the matrimonial house in Ludhiana. However, after she returned back to Jagadhri, District Yamuna Nagar, she had filed CRM-M-31791-2024 and vide order dated 08.07.2024, copy whereof is Annexure P-2, the petition under Section 125 Cr.P.C., was transferred from Ludhiana to Yamuna Nagar.

Also, it is submitted that the applicant is a housewife and as such, is not having any source of earning. She is dependent upon her parental family. Ludhiana is at a distance of about 180 kilometres, from the place of her residence. In these circumstances, it is submitted that it is difficult for the applicant to defend the divorce petition, filed by the respondent-husband. Even, the applicant had filed the petition under the Protection of Women from Domestic Violence Act, relating to which separate transfer application i.e. TA-919-2024 has been filed.

In view of the submissions made by the counsel for the applicant, considering the settled position of law about the weightage to be given to the convenience of the wife in transfer applications relating to the matrimonial disputes and more particularly, considering one case to be already pending in the Courts at Yamuna Nagar, as well as the distance between the two places, the application is hereby accepted and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1000/2022, titled '*Amit Kumar Vs. Ruby Biriwal*', filed by the respondent-husband, stands transferred from Family Court Ludhiana, to the Court of competent jurisdiction at Yamuna Nagar. The requisite record of the aforesaid case be sent by Family Court Ludhiana, to the District and Sessions Judge, Yamuna Nagar.

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

12.09.2024

Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No