



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.111

TA-803-2024 (O&M)
Date of Decision: 12.09.2024

SUMAN

....Applicant

Versus

SACHIN

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rishi Pal Chaudhary, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per office notice, the respondent has been duly served. However, despite service, none has made appearance on behalf of the respondent. Even, on the last date of hearing, none has made appearance on behalf of the respondent. As such, the respondent is proceeded against *ex parte*.

Learned counsel for the applicant heard.

The present application has been filed by the applicant-wife for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/306/2024, titled '*Sachin Vs. Suman*', filed by the respondent-husband, pending in Family Court (Camp Court) Ratia, District Fatehabad and she seeks transfer of the same to the Court of competent jurisdiction at Jind.



TA-803-2024 (O&M)

It is submitted by the counsel for the applicant that from the wedlock of the parties to the lis, there is one daughter, aged about 2 years old, who is presently in the care and custody of the respondent. However, this was the second marriage of the applicant with the respondent. From the first marriage, the applicant is having daughter-Jasika, who is in her care and custody, at present. On account of the matrimonial discord, the parties are residing separate. The applicant has filed petition under Section 12 of the Protection of Women from Domestic Violence Act, as well as petition under Section 125 Cr.P.C. and both the said cases are pending in the Courts at Jind. Also, it is submitted that the applicant is a housewife and has no independent source of earning. In these circumstances, it is submitted that it is difficult for the applicant to commute at a distance of about 120 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the submissions aforesaid, considering the settled position of law about weightage to be given to the convenience of the wife in transfer application, relating to the matrimonial dispute, more particularly, considering the fact of the minor daughter residing with the applicant and also taking into consideration the distance, which the applicant is required to commute to defend the petition, the application is hereby accepted and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/306/2024, titled '*Sachin Vs. Suman*', filed by the respondent-husband, stands transferred from Family Court (Camp Court) Ratia, District Fatehabad, to the Court of competent jurisdiction at Jind. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Ratia, to the District and Sessions Judge, Jind.

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

12.09.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned

:

Yes

Whether reportable

:

Yes/No