



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

Sr. No.226

TA-1020-2023

Date of Decision: 19.09.2024

SUNITA RANI

....Applicant

Versus

RAVISH KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Pranav Chamoli, Advocate
for the applicant.

Mr. Rajesh Duhan, Advocate
for the respondent.

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/824/2022, titled '*Ravish Kumar Vs. Sunita Rani*', filed by the respondent-husband, pending in the Family Court, Jind and she seeks transfer of the same to the Court of competent jurisdiction at Kurukshetra.

In pursuance of the notice issued, respondent made appearance through counsel. However, the counsel for the respondent submits that he does not want to file reply to the transfer application.

Learned counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 29.06.2020. This is the second marriage of both the applicant, as well as the respondent. The respondent is having two children from his previous marriage, who are aged 19 years and 17 years and they are in the care and custody of the respondent, at present. Also, it is submitted that on account of the matrimonial discord,



the parties are residing separate. The applicant had already got lodged an FIR under Section 498-A and 506 IPC, relating to which trial is already pending in the Courts at Kurukshetra. Thereafter, the divorce petition was filed. Even, the petition under Section 125 Cr.P.C., filed by the applicant, is pending in the Family Court, Kurukshetra. Also, it is submitted that the applicant is not having any source of earning. The respondent is working as Junior Engineer with the Government of Haryana. In the given circumstances, it is submitted that it is difficult for the applicant to travel about 110 kilometres, from the place of her residence, to defend the divorce petition, filed by the respondent-husband. As such, a prayer is made for transfer of the divorce petition from Jind to Kurukshetra.

On the contrary, the counsel for the respondent has refuted the claim of the applicant. He submits that in fact, the respondent is also required to take care of two children, born from his previous marriage and also the aged parents. In the given circumstances, the counsel for the respondent makes a prayer for dismissal of the application.

In view of the rival submissions made, considering the settled position of law, about weightage to be given to the convenience of the wife, more particularly, considering the applicant to be having no source of earning and considering 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/824/2022, titled '*Ravish Kumar Vs. Sunita Rani*', filed by the respondent-husband, stands transferred from the Family Court, Jind, to the Court of competent jurisdiction at Kurukshetra. The requisite record of the aforesaid case be sent by the Family Court, Jind, to the District and Sessions Judge, Kurukshetra.



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

19.09.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No