



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.211

TA-1589-2022

Date of Decision: 11.09.2024

RENU

....Applicant

Versus

MANISH BHUTANI

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sunny Singla, Advocate
for the applicant.

Ms. Tamanna Banwala, Advocate, for
Mr. Kshitij Sharma, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

In pursuance of the notice issued, respondent has made appearance through counsel. At this stage, the counsel appearing on behalf of the respondent submits that she does not intend to file reply to the transfer application, though she contests the same.

Learned counsel for the parties 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/936/2020, titled '*Manish Bhutani Vs. Renu*', filed by the respondent-husband, pending in Family Court Hisar and she seeks transfer of the same to the Court of competent jurisdiction at Budhlada, District Mansa.

It is submitted by the counsel for the applicant that the marriage had taken place between the parties to the lis on 29.01.2017, but however, no child was born from the said wedlock. On account of the matrimonial



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dispute, the parties are residing separate. At present, the applicant is residing at Budhlada i.e. her parental place. She has no independent source of earning. Even, the applicant had filed the petition under Section 9 of the Hindu Marriage Act i.e. DMC/396/2021 and the same is pending in the Courts at Budhlada. Also, the complaint under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/6/2021, is pending in the Courts at Budhlada. Furthermore, it is submitted that earlier, the applicant had filed the petition under Section 125 Cr.P.C. i.e. MNT/413/2021, as well as petition under Section 18 of the Hindu Adoption and Maintenance Act, 1956 i.e. CS/3/2021, at Hisar, but the same had since been withdrawn. In the given circumstances, it is submitted that it is difficult for the applicant-wife to defend the divorce petition, from a distance of about 100 kilometres, from the place of her residence.

On the other hand, the counsel for the respondent submits that earlier, two petitions, one under Section 125 Cr.P.C. and another under the Hindu Adoption and Maintenance Act, 1956, filed by the applicant at Hisar, had since been withdrawn. In the given circumstances, it is submitted that the applicant can defend the litigation while going to Hisar.

In view of the submissions made by the counsel for the parties, considering the settled position of law about convenience of the wife to be given a priority in the transfer applications, relating to the matrimonial dispute, more particularly, considering the distance of the place, where the divorce petition is pending, to be about 100 kilometres and also considering the fact of two other cases already pending in Budhlada, the application is hereby accepted and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/936/2020, titled '*Manish Bhutani Vs. Renu*', filed by the



respondent-husband, stands transferred from Family Court Hisar, to the Court of competent jurisdiction at Budhlada, District Mansa. The requisite record of the aforesaid case be sent by Family Court Hisar, to the District and Sessions Judge, Mansa.

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

11.09.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No