



TA-1612-2023 (O&M)

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

Sr. No.210

**TA-1612-2023 (O&M)
Date of Decision: 28.08.2024**

BARKHA

....Applicant

Versus

JATIN THAKRAL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. P.K.Chugh, Advocate
for the applicant.

Ms. Monika Beriwal, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the divorce petition under Section 13 of Hindu Marriage Act i.e. DMC/1242/2023, titled '*Jatin Thakral V/S Barkha*', filed at the instance of respondent-husband, pending in the Family Court, Hisar, to the Court of competent jurisdiction at Gurugram.

In pursuance of the notice issued, respondent had made appearance through counsel.

Learned counsel for the parties heard.

At this stage, learned counsel for the respondent submits that he do not intend to file reply to the transfer application and had already filed an



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application i.e. CM-5423-CII-2024, wherein it is stated that he has no objection, if the present transfer application is allowed and the petition, filed at the instance of respondent is transferred from Hisar to the court of competent jurisdiction at Gurugram.

As evident from the contents of the application, one female child born from the Wedlock of the parties to the lis, is in the care and custody of the applicant. Also, the applicant has filed one complaint under Section 12 of Domestic Violence Act, which is pending in the courts at Gurugram. Besides the same, one complaint was also filed by the applicant before Women Cell, Gurugram, vide DD No. 758-CAS. Learned counsel for the applicant further submits that FIR was got lodged, on the basis of the said complaint and the challan has been presented, which is pending in the courts at Gurugram. Also, petition under Section 125 Cr.P.C. filed at the instance of the applicant, is already pending before Family Courts, Gurugram.

Considering the submissions, so made by learned counsel for the parties and also considering the fact about convenience of the wife to be taken into consideration, as per the settled law, without prejudice to the rights of the parties to be adjudicated on merits, the instant transfer application, as such, is hereby accepted and the petition under Section 13 of Hindu Marriage Act i.e. DMC/1242/2023, titled '*Jatin Thakral V/S Barkha*', filed at the instance of respondent-husband, stands transferred from the Family Court, Hisar to the Court of competent jurisdiction at Gurugram. The requisite record of the aforesaid divorce petition shall be transferred by the Family Court, Hisar to District and Sessions Judge, Gurugram.



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

28.08.2024
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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No