



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

Sr. No.113

TA-42-2024

Date of Decision: 06.02.2025

UPASANA SAINI

....Applicant

Versus

SANJEEV SAINI

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Tarun Hans, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 23.01.2025.

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/702/2023, titled '*Sanjeev Saini Vs. Upasana Saini*', filed by the respondent-husband, pending in the Family Court, Kaithal and she seeks transfer of the same to the Court of competent jurisdiction at Hansi, District Hisar.

In pursuance of the notice issued, respondent did not make appearance and as such, he was proceeded against *ex parte*.

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 03.04.2021, but no child was born from the said wedlock. However, on account of the matrimonial discord, the parties are residing separate. The applicant is residing at her parental place at Hansi. She is not having any source of earning. Also, it is



pointed out by the counsel for the applicant that the respondent is working in Kiran Foreign Trade, as a Team Leader in Alpha IT City, SAS Nagar and is earning Rs.65,000/- per month. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 130 kilometres, to defend the divorce petition.

In view of the aforesaid fact situation and also considering the position of law about preference to be given to the convenience of the wife in the transfer applications relating to the matrimonial dispute, more particularly, when the respondent has not come forward to resist the application, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/702/2023, titled '*Sanjeev Saini Vs. Upasana Saini*', filed by the respondent-husband, stands transferred from the Family Court, Kaithal, to the Court of competent jurisdiction at Hansi, District Hisar. The requisite record of the aforesaid case be sent by the Family Court, Kaithal, to the District and Sessions Judge, Hisar.

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

06.02.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No