



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

Sr. No.107-1

TA-50-2024

Date of Decision: 06.05.2025

NIDHI SINGH

....Applicant

Versus

MAHAVIR CHAUDHARY

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Paras Choudhary, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 29.04.2025.

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/1155/2023, titled '*Mahavir Chaudhary Vs. Nidhi Singh*', filed by the respondent-husband, pending in the Family Court, Sirsa and she seeks transfer of the same to the Court of competent jurisdiction at Narnaul.

Upon notice, the respondent did not make appearance, despite service and as such, was proceeded against *ex parte*.

The 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 28.10.2012, but no child was born from the said wedlock. On account of the matrimonial dispute, the applicant is residing at her parental place, with her aged parents. She has no source of earning and as such, is dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C. i.e. MNT-125/1/2024 and the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/04/2024, which are pending in the Courts at Narnaul and the respondent has made appearance in the same. Further, it is submitted that the distance between Narnaul and Sirsa, is about 270 kilometres, on one side and as such, it is difficult for the applicant to defend the divorce petition.

In view of the submissions aforesaid and considering the fact that generally the Courts lean towards the convenience of wife in case of transfer applications relating to the matrimonial disputes, more particularly, when the respondent has not come forward to resist the application; considering the fact about the applicant not having any source of earning; and also considering the distance between the two places, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1155/2023, titled '*Mahavir Chaudhary Vs. Nidhi Singh*', filed by the respondent-husband, stands transferred from the Family Court, Sirsa, to the Court of competent jurisdiction at Narnaul. The requisite record of the aforesaid case be sent by the Family Court, Sirsa, to the District and Sessions Judge, Narnaul.

Learned District and Sessions Judge, Narnaul, shall assign the said petition to the Family Court, Narnaul. Even, the parties are directed to



appear before the Family Court, Narnaul, within a period of one month from today onwards.

However, considering the distance between the two places, the respondent always has an option to seek permission from the Court concerned, to make appearance through virtual mode, as and when his presence is required and the Court concerned shall pass an appropriate order, in the fitness of the circumstances.

06.05.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No