



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

Sr. No.110

TA-66-2024

Date of Decision: 20.01.2025

PRIYANKA

....Applicant

Versus

SAHIL GOYAL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Raj Kapoor Malik, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/368/2023, titled '*Sahil Goyal Vs. Priyanka Garg*', 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 Kaithal.

None has made appearance on behalf of the respondent today. Even, on the last date of hearing, none had made appearance on his behalf. As such, the respondent is 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 04.10.2022. However, due to the matrimonial discord, the parties are residing separate. No child was born from the said wedlock. Rather, from the previous marriage of the applicant, there is a son aged about 7 years, who is in the care and custody of



the applicant. The applicant is not having any source of earning and thus, it is difficult for her to commute a distance of about 150 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act. Even, the applicant has filed the divorce petition, which is pending in the Courts at Kaithal.

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 while the applicant is taking care of a minor son, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/368/2023, titled '*Sahil Goyal Vs. Priyanka Garg*', filed by the respondent-husband, stands transferred from the Family Court, Sirsa, to the Court of competent jurisdiction at Kaithal. The requisite record of the aforesaid case be sent by the Family Court, Sirsa, to the District and Sessions Judge, Kaithal.

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

20.01.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No