



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

**Sr. No.407**

**TA-94-2024**

**Date of Decision: 22.04.2025**

**MONIKA**

**....Applicant**

**Versus**

**AMAN SAINI**

**.....Respondent**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Diwan S. Adlakha, Advocate  
for the applicant.

Respondent *ex parte*, vide order dated 21.04.2025..

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**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/542/2023 titled "Aman Saini v/s Monika", filed by the respondent/husband, which is pending in the Family court, Kurukshetra and she seeks transfer of the same to the court of competent jurisdiction at Family Court (Camp Court), Bilaspur, District Yamunanagar.

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

Counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage between the parties was solemnized on 10.10.2016 and one daughter born from the said wedlock, aged about 4½ years, is in the care and custody of the applicant. On account of matrimonial dispute, the parties are residing separate. The applicant has got lodged an FIR No.96 dated 01.08.2020 under Sections 323, 406, 498A, 506 IPC, against the respondent, who is facing trial in the courts. Besides the same, the



applicant has also filed petition under Section 12 of Protection of Women from Domestic Violence Act and petition under Section 125 Cr.P.C. for seeking maintenance, which are pending in the Family Court, Bilaspur, District Yamunanagar. The respondent is also making appearance in both the aforesaid cases. It is also submitted that the applicant is not having any source of earning. As such, it is difficult for her to commute a distance of about 70-75 kms to defend the divorce petition.

In view of the aforesaid fact situation and also considering the fact that generally the courts give preference to the convenience of the wife in the transfer applications, relating to the matrimonial disputes, more particularly, when she is not having any source of earning and taking care of the minor child and the respondent has not come forward to contest the transfer application, the same is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/542/2023 titled “Aman Saini v/s Monika”, filed by the respondent/husband, stands transferred from the Family Court, Kurukshetra to the Court of competent jurisdiction at Yamunanagar. The requisite record of the aforesaid case be sent by the Family Court, Kurukshetra to the District and Sessions Judge, Yamunanagar.

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

**22.04.2025**  
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**(ARCHANA PURI)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No