



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

Sr. No.107

TA-120-2025 (O&M)

Date of Decision: 10.12.2025

PRIYANKA

....Applicant

Versus

SANJAY

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Amardeep Hooda, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 05.12.2025.

ARCHANA PURI, J. (Oral)

CM-22832-CII-2025

The present application has been filed at the behest of the applicant, for placing on record rejoinder, as well as the certificate, Annexure P-3.

In view of the averments made in the application, same is allowed and the requisite reply, as well as the certificate are taken on record.

Main case

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. DMC/147/2024, titled '*Sanjay Vs. Priyanka*', filed by the respondent-husband, pending in the Family Court, Hisar and she seeks transfer of the same to the Court of competent jurisdiction at Rohtak.



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In pursuance of notice issued, the respondent made appearance through counsel and filed reply. Even, rejoinder was filed. However, subsequently, the respondent did not pursue the application 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 to the lis, had taken place on 02.06.2013. Two children were born from the said wedlock; one daughter, aged about 10 years and one son, aged about 5 years. On account of the matrimonial dispute, the parties are residing separate. The son is in the care and custody of the applicant, whereas, the daughter is residing with Lakshmi i.e. sister of the respondent. The applicant is not having any source of earning and she together with her son, is dependent upon her parental family. Even, she has filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which is pending in the Courts at Rohtak and the respondent is making appearance in the same. The distance between the two places is stated to be about 90 kms.

Even though, the respondent had not pursued the application, after filing of reply, but however, it is pertinent to mention that in the reply, it was asserted that both the children are residing with the respondent. Thereupon, the rejoinder was filed and along with the same, the applicant had also placed on record the school certificate of the son, thereby stating about the child to be studying in Sir Chhotu Ram Memorial School, Bharan Road, Ajaib, Rohtak. Copy of the said certificate is Annexure P-3.



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In the light of the material coming on record, it is evident that the son is in the custody of the applicant, who herself is not having any source of earning. Another litigation, on account of this matrimonial dispute, is already pending in the Courts at Rohtak and the respondent is pursuing the same. Even, the assertion about the daughter of the parties, to be residing with her paternal aunt, has not been specifically denied by the respondent in the reply. Otherwise also, he has not come forward to resist the transfer application.

Considering the aforesaid facts and circumstances, it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/147/2024, titled '*Sanjay Vs. Priyanka*', filed by the respondent-husband, stands transferred from the Family Court, Hisar, to the Court of competent jurisdiction at Rohtak. The requisite record of the aforesaid case be sent by the Family Court, Hisar, to the District and Sessions Judge, Rohtak.

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

10.12.2025

Himanshu Vats

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No