



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

Sr. No.373**TA-161-2024****Date of Decision: 26.03.2025****SARITA****....Applicant****Versus****PURUSHOTAM****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Wazir Singh, Advocate
for the applicant.

None for the respondent, despite service.

ARCHANA PURI, J. (Oral)

As observed in the previous order, none had made appearance on behalf of the respondent, despite service. Even today, none has made appearance on his behalf. As such, respondent is proceeded against *ex parte*.

Counsel for the applicant heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/904/2023, titled '*Purushotam v/s Sarita*', filed by the respondent-husband, pending in the Family Court, Sonapat, and she seeks transfer of the same to the Court of competent jurisdiction at Panipat.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 28.04.2013, but no child was born from the said wedlock. However, on account of the matrimonial discord, the parties are residing separate. The applicant has also got lodged an FIR bearing No.410 dated 19.11.2013 under Sections 323, 406, 498-A



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IPC at Police Station Madlauda, District Panipat, and the respondent faced trial, relating to the said FIR, in the Courts at Panipat and he (accused) was acquitted, as a result whereof, the applicant has filed an appeal i.e. CRA-226-2018, which is pending in the Court of Additional District & Sessions Judge, Panipat. Besides the same, she has also filed the petition under Section 125 Cr.P.C., as well as the petition under Section 12 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Panipat and the respondent is making appearance in both the said cases. Also, it is submitted that the applicant is not doing any work and as such, she has no source of earning.

In view of the submissions aforesaid and also considering the position of law about preference to be given to the convenience of wife, in case of 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. DMC/904/2023, titled '*Purushotam v/s Sarita*', filed by the respondent-husband, stands transferred from the Family Court Sonapat, to the Court of competent jurisdiction at Panipat. The requisite record of the aforesaid case be sent by the Family Court Sonapat, to the District and Sessions Judge, Panipat.

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

26.03.2025

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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes/No