



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.108

TA-234-2024
Date of Decision: 28.02.2025

SUMAN

....Applicant

Versus

SANDEEP KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sumit Sangwan, Advocate
for the applicant.

Mr. Abhishek Yadav, Advocate
for the respondent.

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. DMC/660/2023, titled '*Sandeep Kumar Vs. Suman*', filed by the respondent-husband, pending in the Family Court, Rewari and she seeks transfer of the same to the Court of competent jurisdiction at Bhiwani.

In pursuance of the notice issued, respondent made appearance through counsel and filed reply.

Learned counsel for the parties heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, was solemnized on 22.01.2018. One son born



TA-234-2024

from the said wedlock, who is about 5 years old, is in the care and custody of the applicant. On account of the matrimonial discord, the parties are residing separate. The applicant is not having any source of earning and as such, is dependent upon her parental family. Even, she had filed the petition under Section 125 Cr.P.C., which had since been decided and the execution qua the same, is pending in the Courts at Bhiwani. Also, the respondent is facing trial, relating to FIR, got lodged by the applicant under Section 498-A IPC, in the Courts at Bhiwani. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 110 kilometres, to defend the divorce petition.

On the contrary, the counsel for the respondent submits that the applicant herself is not inclined to join the company of the respondent and he is doing menial work only.

In view of the submissions aforesaid 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, while considering the distance between the two places, more particularly, considering the fact about the applicant to be taking care of the minor son and also the fact about the respondent already making appearance in two cases, in the Courts at Bhiwani, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/660/2023, titled '*Sandeep Kumar Vs. Suman*', filed by the respondent-husband, stands transferred from the Family Court, Rewari, to the Court of competent jurisdiction at Bhiwani. The requisite record of the aforesaid case be sent by the Family Court, Rewari, to the District and Sessions Judge, Bhiwani.



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

28.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No