



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

Sr. No.111

TA-263-2024

Date of Decision: 29.01.2025

PRIYANKA

....Applicant

Versus

YOGESH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Parveen Kumar, Advocate
for the applicant.

Mr. Surender K. Sharma, Advocate
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/129/2023, titled '*Yogesh Vs. Priyanka*', filed by the respondent-husband, pending in the Family Court, Chandigarh and she seeks transfer of the same to the Court of competent jurisdiction at Jind.

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

Learned counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 21.05.2022. However, the marriage was never consummated. On account of the matrimonial discord, the parties are residing separate. The applicant has no source of earning and is dependent upon her parents. Even, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at



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Jind and the respondent is making appearance in the same. Besides the same, it is submitted that the respondent is facing trial, in the FIR bearing No.205 dated 09.11.2023, under Sections 323, 34, 406, 498-A and 506 IPC, got lodged by the applicant at Women Police Station, District Jind, in the Courts at Jind. In these circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 180 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

On the contrary, the counsel for the respondent contests the application. He submits that it shall be too harsh for the respondent also, if the transfer application is allowed.

It is pertinent to mention that convenience ought to be given to the convenience of the wife in the transfer applications, relating to the matrimonial dispute. However, the same is not a thumb rule. The various other circumstances, spelt out from the material brought on record, also ought to be taken into consideration. The distance between Chandigarh and Jind is about 180 kilometres and the transfer application, if so allowed, shall definitely cause inconvenience to the respondent also. Considering the same, it shall be appropriate if the divorce petition is transferred to a mid place i.e. Kaithal.

In view of the aforesaid fact situation, the transfer application is partly allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/129/2023, titled '*Yogesh Vs. Priyanka*', filed by the respondent-husband, stands transferred from the Family Court, Chandigarh, to the Court of competent jurisdiction at Kaithal. However, the parties will have the liberty to make appearance through video conferencing, after making request for the needful, before the Court concerned.



The requisite record of the aforesaid case be sent by the Family Court, Chandigarh, 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.

29.01.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No