



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

Sr. No.205

TA-233-2025

Date of Decision: 29.05.2025

KANCHAN DEVI

....Applicant

Versus

SUNIL KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Jitender Sharma, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 22.05.2025 despite service, the respondent did not make appearance on that date. Even today, he has not made appearance. As such, the 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. HMA/1799/2023 titled '*Sunil Kumar v/s Kanchan Devi*', filed by the



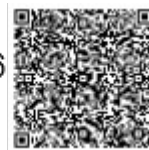
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respondent-husband, pending in the Family Court, Faridabad and she seeks transfer of the same to the Court of competent jurisdiction at Mohindergarh.

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 25.02.2020, but no child was born from the said wedlock. On account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning. The applicant has also filed petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA-02-2023 and petition under Section 125 Cr.P.C., which are pending in the courts at Mohindergarh and the respondent is making appearance in the same. The distance between the two places is about 190 kms.

In view of the submissions aforesaid, it is pertinent to mention that the courts generally lean towards the convenience of wife, in case of transfer applications, relating to the matrimonial disputes, but however, it is not a thumb rule. Various other circumstances coming forth, ought to be taken into consideration, while adjudicating on the transfer application.

In the case in hand, the applicant is not having any source of earning and she has already filed two other cases, with regard to the matrimonial dispute, which are being pursued by the respondent and the distance between the two places is about 190 kms. Keeping in view the said mitigating circumstances, the transfer application is hereby allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/1799/2023 titled '*Sunil Kumar v/s Kanchan Devi*', filed by the respondent-husband, stands transferred from the Family Court, Faridabad to the Court of



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competent jurisdiction at Mohindergarh. The requisite record of the aforesaid case be sent by the Family Court, Faridabad to the District and Sessions Judge, Mohindergarh.

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

The court concerned shall make an endeavour to adjourn all the cases, preferably on one and the same date.

Also, the respondent always has an option to file an application for making appearance before the court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same, in the fitness of circumstances and pass an appropriate order.

29.05.2025

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**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No