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2025:PHHC:022361



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

Sr. No.104

TA-303-2024

Date of Decision: 17.02.2025

MAMTA

....Applicant

Versus

VIKASH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Pradeep Choker, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 04.12.2024.

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. DMC/579/2023, titled '*Vikash Vs. Mamta*', 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 Rewari.

In pursuance of the notice issued, respondent did not make appearance and as such, was proceeded against *ex parte*.

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage of the applicant with the respondent, was the second marriage and the same took place on 17.01.2017. One child was born from the said wedlock, whereas the applicant is also having another child from her previous marriage, who is also minor. Also, the counsel submits that on account of the matrimonial discord, the parties are residing separate. The



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applicant is not working and as such, has no independent source of earning. Even, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Rewari, at the stage of recording of PWs. The respondent is making appearance in the said petition. In these circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 190 kilometres (one side), to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the aforesaid fact situation 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, more particularly, while the respondent has not come forth to contest the application, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/579/2023, titled '*Vikash Vs. Mamta*', filed by the respondent-husband, stands transferred from the Family Court, Hisar, to the Court of competent jurisdiction at Rewari. The requisite record of the aforesaid case be sent by the Family Court, Hisar, to the District and Sessions Judge, Rewari.

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

17.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No