



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

Sr. No.119

TA-339-2024

Date of Decision: 06.02.2025

NEHA

....Applicant

Versus

ANKUSH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sahil Gupta, Advocate
for the applicant.

Mr. Ashwani Gaur and Ms. Shivangi Sharma, Advocates
for the respondent.

ARCHANA PURI, J. (Oral)

In consonance with the observations made in the order dated 09.12.2024, passed by this Court, it is submitted by the counsel for the parties that the parties are not interested for any amicable settlement.

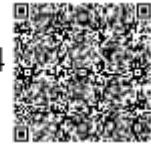
The applicant-wife has filed the present application for seeking transfer of the petition under Section 12(1)(b) read with Section 5(ii)(b) of the Hindu Marriage Act i.e. HMA/885/2023, titled '*Ankush Vs. Neha*', filed by the respondent-husband, pending in the Family Court, Jind and she seeks transfer of the same to the Court of competent jurisdiction at Charkhi Dadri.

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, had taken place on 25.11.2020, but no child



was born from the said wedlock. However, on account of the matrimonial discord, the parties are residing separate, as a consequence whereof, the applicant has filed the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/18/2024 and the petition under Section 125 Cr.P.C. i.e. MNT-125/23/2024, which are pending in the Courts at Charkhi Dadri, at appearance stage. Besides the same, it is also submitted that the trial, relating to the FIR got lodged by the applicant under Sections 406 and 498-A IPC, is pending in the Courts at Charkhi Dadri. The applicant is not having any source of earning and is dependent upon her aged father and as such, it is difficult for her to commute a distance of about 110 kilometres, to defend the petition under Section 12 of the Hindu Marriage Act.

On the contrary, the counsel for the respondent submits that it shall be harsh for the respondent also, if the application is allowed and the case is transferred.

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, when three other cases are already pending in the Courts at Charkhi Dadri, the transfer application is allowed and the petition under Section 12(1)(b) read with Section 5(ii)(b) of the Hindu Marriage Act i.e. HMA/885/2023, titled '*Ankush Vs. Neha*', filed by the respondent-husband, stands transferred from the Family Court, Jind, to the Court of competent jurisdiction at Charkhi Dadri. The requisite record of the aforesaid case be sent by the Family Court, Jind, to the District and Sessions Judge, Charkhi Dadri.



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

06.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No