



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

Sr. No.229

TA-430-2024

Date of Decision: 28.04.2025

RENU**....Applicant****Versus****VIKAS DAHIYA****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Gurvinder Singh Sidhu, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 25.03.2025, despite service, the respondent did not make appearance on that date. However, as per office noting, the counsel for the respondent, who had earlier made appearance, has been informed telephonically. Despite that, the respondent has not made appearance today also. As such, the respondent is proceeded against *ex parte*.

The 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. DMC/524/2023, titled '*Vikas Dahiya Vs. Renu*', filed by the respondent-husband, pending in the Family Court, Rohtak and she seeks transfer of the same to the Court of competent jurisdiction at Jind.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 24.03.2005. However, on



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account of the matrimonial dispute, the parties are residing separate. One son born from the said wedlock, who is about 15 years old, is in the care and custody of the applicant. The applicant has filed the petition under Section 12 of the Protection of Women from Domestic Violence Act and the petition under Section 125 Cr.P.C., which are pending in the Courts at Jind and the respondent is pursuing both the said petitions. Furthermore, it is submitted that it shall be difficult for the applicant to defend the divorce petition, while pending at Rohtak, as the son, who is though 15 years old and is a student of 9th Class, but however, he is a promising Lawn Tennis player, for which he is taking coaching from the Tennis Institute at Gurugram. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 60 kilometres, to defend the divorce petition.

In view of the submissions aforesaid and considering the fact that generally, the Courts lean towards the convenience of wife in the transfer applications relating to the matrimonial disputes, more particularly, when the respondent has not come forward to resist the application and also considering the fact about two cases arising from this matrimonial dispute i.e. the petition under Section 12 of the Protection of Women from Domestic Violence Act and the petition under Section 125 Cr.P.C., already pending in the Courts at Jind, which are being pursued by the respondent, the transfer application is hereby allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/524/2023, titled '*Vikas Dahiya Vs. Renu*', filed by the respondent-husband, stands transferred from the Family Court, Rohtak, to the Court of competent jurisdiction at Jind. The requisite record of the aforesaid case be sent by the Family Court, Rohtak, to the District and Sessions Judge, Jind.



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

28.04.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No