



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

Sr. No.110

TA-453-2024

Date of Decision: 27.02.2025

LAXMI RANI

....Applicant

Versus

KUSH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Raman Singla, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 18.02.2025.

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/21/2024, titled '*Kush Vs. Laxmi Rani*', filed by the respondent-husband, pending in the Family Court, Karnal and she seeks transfer of the same to the Court of competent jurisdiction at Patiala.

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 between the parties to the lis, had taken place on 11.12.2024. One son born from the said wedlock, who is about 9 years old, is in the care and custody of the applicant. However, on account of the matrimonial discord, the parties are residing separate. The applicant is not doing job and thus, has no independent source of earning. She is totally dependent upon her parental



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family. Even, the applicant has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Patiala and the respondent has been proceeded *ex parte*, in the same. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 115 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act, more particularly, when the child in the applicant's custody is school-going.

In view of the aforesaid fact situation, 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 the applicant is taking care of the minor child, who is school-going and also considering the fact that 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. HMA/21/2024, titled '*Kush Vs. Laxmi Rani*', filed by the respondent-husband, stands transferred from the Family Court, Karnal, to the Court of competent jurisdiction at Patiala. The requisite record of the aforesaid case be sent by the Family Court, Karnal, to the District and Sessions Judge, Patiala.

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

27.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No