



TA-448-2025

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

Sr. No.253

TA-448-2025

Date of Decision: 16.05.2025

MANISHA

....Applicant

Versus

VARINDER

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sourabh Sheoran, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 29.04.2025, 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*.

The counsel for the applicant heard.

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/46/2024, titled '*Varinder Vs. Manisha*', filed by the respondent-husband, pending in the Family Court, Sirsa and she seeks transfer of the same to the Court of competent jurisdiction at Narnaul.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 10.01.2023. One son born from the said wedlock, who is about 2 years old, is in the care and custody



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of the respondent. Further, it is submitted that the applicant has no source of earning and as such, is dependent upon her parental family. She had got lodged an FIR bearing No.64 dated 14.10.2024, under Sections 323, 342, 498-A, 506 and 509 IPC, at Women Police Station, Narnaul, wherein challan has yet not been presented. In the given circumstances, it is submitted that when the applicant is a home-maker, it is difficult for her to commute a distance of about 260 kilometres, on one side, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the submissions aforesaid, it is pertinent to mention that even though, generally, the Courts given preference to the wife, in case of transfer applications relating to the matrimonial disputes, but however, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, also ought to be taken into consideration. No doubt, in the present case, the child born from the wedlock of the parties to the lis, is in the custody of the respondent, but however, the respondent has not come forward to resist the application.

In view of the aforesaid fact situation and considering the distance between the two places; considering the fact of FIR having lodged at Narnaul; and above all considering the applicant to be having no source of earning, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/46/2024, titled '*Varinder Vs. Manisha*', filed by the respondent-husband, stands transferred from the Family Court, Sirsa, to the Court of competent jurisdiction at Narnaul. The requisite record of the aforesaid case be sent by the Family Court, Sirsa, to the District and Sessions Judge, Narnaul.



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

16.05.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No