



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

Sr. No.203

**TA-497-2024 (O&M)
Date of Decision: 26.03.2025**

PRIYANKA

....Applicant

Versus

RISHI

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Joginder Siwach, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As observed in the order dated 07.01.2025, despite service, the respondent did not make appearance on that date. Even on the subsequent date i.e. 18.03.2025, none had made appearance on behalf of the respondent. Today also, none has made appearance on his behalf. 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. HMA/369/2020, titled '*Rishi Vs. Priyanka*', filed by the respondent-husband, pending in the Family Court, Fatehabad and she seeks transfer of the same to the Court of competent jurisdiction at Hisar.

It is submitted by the counsel for the applicant that the marriage



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between the parties to the lis, had taken place on 17.02.2016. One son born from the said wedlock, who is about 7 years old, is in the care and custody of the applicant. The applicant is not having any source of income. On account of the matrimonial dispute, she is residing separate. Even, she has filed the petition under Section 125 Cr.P.C., which has since been decided by the Courts at Hisar and the maintenance has been affixed. Even, the applicant has filed the petition under the Protection of Women from Domestic Violence Act, which is pending in the Courts at Hisar and the respondent is making appearance in the same. Besides the same, the respondent is facing trial relating to FIR bearing No.164 dated 06.01.2022, under Sections 323, 34, 406, 498-A and 506 IPC, got lodged by the applicant at Women Police Station, Hisar, in the Courts at Hisar. Also, it is submitted that while taking care of the minor son, it is difficult for the applicant to commute a distance of about 60 kilometres, to defend the divorce petition, more particularly, when she is not having any source of earning.

In view of the submissions aforesaid 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 the respondent has not come forward to resist the application, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/369/2020, titled '*Rishi Vs. Priyanka*', filed by the respondent-husband, stands transferred from the Family Court, Fatehabad, to the Court of competent jurisdiction at Hisar. The requisite record of the aforesaid case be sent by the Family Court, Fatehabad, to the District and Sessions Judge, Hisar.

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

Pending civil miscellaneous application also stands disposed of.

26.03.2025

Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No