

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

**Sr. No.114**

**TA-504-2024**

**Date of Decision: 14.05.2025**

**JYOTI RANI**

**....Applicant**

**Versus**

**MOHAN KUMAR @ MONU**

**.....Respondent**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Sukhdeep Singh Bhinder, Advocate  
for the applicant.

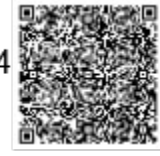
Mr. Daljeet Singh Randhawa, Advocate for  
Mr. A.S. Manaise, Advocate  
for the respondent.

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**ARCHANA PURI, J. (Oral)**

Perusal of the paperbook reveals that as per the observations made in the order dated 18.07.2024, despite service, the respondent did not make appearance on that date and as such, he was proceeded against *ex parte*. Thereafter, the respondent again made appearance through Mr. Ankur Mehta, Advocate, who had filed memorandum of appearance, which was taken on record. Again, reply was not filed on the last date of hearing i.e. 03.04.2025, though Mr. A.S. Manaise, Advocate, had appeared on behalf of the respondent and filed Power of Attorney. On the said date, again the case was adjourned, to enable the counsel for the respondent to file reply. However, the same has yet not been filed.

In the given circumstances, no further opportunity is required to be granted to the respondent, to file reply, though, he was allowed to join the proceedings.



The counsel for the parties heard.

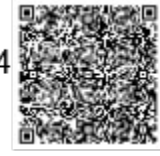
The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/116/2024, titled '*Mohan Kumar Vs. Jyoti Rani*', filed by the respondent-husband, pending in the Family Court, Ferozepur and she seeks transfer of the same to the Court of competent jurisdiction at Bathinda.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 08.10.2022. However, on account of the matrimonial dispute, the parties are residing separate. The applicant gave birth to a female child on 02.11.2023, while she was residing at her parental home. However, the respondent never bothered to meet the applicant, on the birth of the daughter.

It is submitted that the applicant is not having any source of earning. She is unemployed and is totally dependent upon her parental family. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 100 kilometres, to defend the divorce petition, more particularly, while she is taking care of the minor child.

On the other hand, the counsel for the respondent, though is making appearance, but he did not make any submission in the present application.

Considering the submissions made by the counsel for the applicant and also considering the preference generally given by the Courts to the convenience of wife in the transfer applications relating to the matrimonial disputes, more particularly, when the respondent has though made appearance, but has not filed reply to resist the application and also



TA-504-2024

considering the very fact of the applicant having no source of earning and taking care of the minor daughter, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/116/2024, titled '*Mohan Kumar Vs. Jyoti Rani*', filed by the respondent-husband, stands transferred from the Family Court, Ferozepur, to the Court of competent jurisdiction at Bathinda. The requisite record of the aforesaid case be sent by the Family Court, Ferozepur, to the District and Sessions Judge, Bathinda.

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

**14.05.2025**

Himanshu

**(ARCHANA PURI)  
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No