



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

Sr. No.116

TA-565-2024

Date of Decision: 14.01.2025

POONAM

....Applicant

Versus

MANGU RAM

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Subhashish Kukreti, Advocate for the applicant.

Respondent proceeded against *ex parte*
vide order dated 13.01.2025.

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. DMC/513/2023, titled '*Mangu Ram Vs. Poonam*', filed by the respondent-husband, pending in the Family Court, Bathinda and she seeks transfer of the same to the Court of competent jurisdiction at Nabha, District Patiala.

In pursuance of the notice issued, respondent did not make appearance and as such, he was proceeded against *ex parte*.

Learned counsel for the applicant heard.

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 15.05.2007. Two children were born from the said wedlock. The daughter is about 13 years old and the son is about 12 years old. The son is residing with the applicant, whereas, the daughter is in the care and custody of the respondent. However, on account of the matrimonial discord, the parties are residing separate. The applicant has also filed the petition under the



Protection of Women from Domestic Violence Act, which is pending in the Courts at Nabha and the respondent is already making appearance in the same. It was only as a counter-blast, that the petition under Section 9 of the Hindu Marriage Act has been filed.

Also, it is submitted that the applicant is not working and as such, has no independent source of earning. In the given circumstances, it is submitted that it is difficult for her to commute a distance of about 150 kilometres, on one side, to defend the petition under Section 9 of the Hindu Marriage Act, more particularly, while taking care of the minor son.

In view of the aforesaid fact situation, considering the fact that the respondent has not turned up to contest the transfer application 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, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/513/2023, titled '*Mangu Ram Vs. Poonam*', filed by the respondent-husband, stands transferred from the Family Court, Bathinda, to the Court of competent jurisdiction at Nabha. The requisite record of the aforesaid case be sent by the Family Court, Bathinda, to the District and Sessions Judge, Patiala.

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

14.01.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No