



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

Sr. No.102**TA-599-2023****Date of Decision: 18.03.2025****MAMTA****....Applicant****Versus****RAJ KUMAR****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Narender S. Lucky, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

Perusal of the order dated 07.02.2025 reveals that despite service, none had made appearance on behalf of the respondent. On the subsequent date also i.e. 28.02.2025, none had made appearance on behalf of the respondent. Even today, 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 9 of the Hindu Marriage Act i.e. HMA/224/2022, titled '*Raj Kumar Vs. Mamta*', filed by the respondent-husband, pending in the Family Court (Camp Court) Sunam, District Sangrur and she seeks transfer of the same to the Court of competent



jurisdiction at Barnala.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 24.02.2009. Three children were born from the said wedlock, two sons and one daughter. Both the sons are residing with the applicant, whereas, the daughter is residing with the respondent. On account of the matrimonial discord, the parties are residing separate. The applicant is not having any source of earning and is totally dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C., which is pending in the Courts at Barnala. Even though, the respondent is making appearance in the same, but he is not paying any maintenance to the applicant, as well as the children in her custody. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 45 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the submissions aforesaid, 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, considering the fact about the applicant to be taking care of two sons, when she is not having any source of earning and also considering the fact about the respondent not having come forward to resist this application, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/224/2022, titled '*Raj Kumar Vs. Mamta*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Sunam, District Sangrur, to the Court of competent jurisdiction at Barnala. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Sunam, to the District and Sessions Judge, Barnala.



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

18.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No