



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

Sr. No.204

TA-610-2024

Date of Decision: 07.01.2025

NEERU RANI @ PARIYANKA

....Applicant

Versus

LAL DASS RATHORE

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Mayank Aggarwal, Advocate for
Mr. G.S. Sandhu, Advocate
for the applicant.

Mr. Aditya Anand, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

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/358/2023, titled '*Lal Dass Vs. Neeru Rani @ Pariyanka*', filed by the respondent-husband, pending in the Family Court Rupnagar and she seeks transfer of the same to the Court of competent jurisdiction at Panchkula.

In pursuance of the notice issued, respondent made appearance through counsel. The counsel for the respondent submits that he does not want to file reply to the transfer application, though he contests the same.



Learned counsel for the parties 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 24.04.2022, but no child was born from the said wedlock. However, due to the matrimonial discord, the parties are residing separate. Further, it is submitted that the applicant has also filed the petition under the Protection of Women from Domestic Violence Act, which is also pending in the Courts at Panchkula and the respondent is making appearance in the same. The applicant is having no source of earning and is totally dependent upon her parents. In the given circumstances, it is difficult for her to commute a distance of about 60 kilometres, to defend the divorce petition.

On the other hand, the counsel for the respondent resisted the claim of the applicant, as he submitted that the petition under the Protection of Women from Domestic Violence Act was filed, as a counter-blast to the divorce petition. Also, he submits that the applicant is making appearance in the divorce petition and as such, can easily defend the same, from a distance of about 50 kilometres, from the place of her residence.

In view of the aforesaid fact situation 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 13 of the Hindu Marriage Act i.e. HMA/358/2023, titled '*Lal Dass Vs. Neeru Rani @ Pariyanka*', filed by the respondent-husband, stands transferred from the Family Court Rupnagar, to the Court of competent jurisdiction at Panchkula. The requisite record of the aforesaid case be sent by the Family Court Rupnagar, to the District and Sessions Judge, Panchkula.



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

07.01.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No