



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

Sr. No.113

TA-688-2024

Date of Decision: 05.02.2025

SURBHI

....Applicant

Versus

PARVESH MITTAL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Dhruv Khanna, Advocate for the applicant.

Respondent proceeded against *ex parte*
vide order dated 23.01.2025.

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. DMC/57/2024, titled '*Parvesh Mittal Vs. Surbhi Mittal*', 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 Ropar.

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.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 18.10.2015. One daughter born from the said wedlock, who is about 7 years old, is in the care and custody of the applicant. On account of the matrimonial discord, the applicant is residing at her parents place. She is not having any source of earning. Even, she has got lodged an FIR bearing No.45/2018, under Sections 406 and 498-A IPC, at Police Station Sadar, Rupnagar, relating to which trial is pending in the Courts at Rupnagar and the respondent is



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making appearance in the same. Likewise, the applicant has also filed the petition for seeking maintenance i.e. MNT-125/252/2021, which is pending in the Courts at Rupnagar and the respondent is making appearance in the same also. The said case is at the stage of recording of respondent's evidence. Even, CRR/130/2023 is also pending in the Courts at Rupnagar. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 200 kilometres, to defend the divorce petition, more particularly, while taking care of the minor daughter.

In view of the aforesaid fact situation, 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 and also considering the fact that the respondent has not come forward to contest the application, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/57/2024, titled '*Parvesh Mittal Vs. Surbhi Mittal*', filed by the respondent-husband, stands transferred from the Family Court, Ferozepur, to the Court of competent jurisdiction at Rupnagar. The requisite record of the aforesaid case be sent by the Family Court, Ferozepur, to the District and Sessions Judge, Rupnagar.

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

(ARCHANA PURI)
JUDGE

05.02.2025
Himanshu

Whether speaking/reasoned : Yes

Whether reportable : Yes/No