



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.104

TA-760-2024

Date of Decision: 11.02.2025

PUSHPA

....Applicant

Versus

MANISH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Bhupender Ghangas, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 05.02.2025.

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. HMA/270/2023, titled ‘*Manish Vs. Pushpa*’, filed by the respondent-husband, pending in the Family Court (Camp Court) Bahadurgarh, District Jhajjar and she seeks transfer of the same to the Court of competent jurisdiction at Bhiwani.

In pursuance of the notice issued, respondent did not make appearance and as such, 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 09.02.2022. One son born from the said wedlock, is in the care and custody of the applicant. On account of the matrimonial discord, the applicant is residing at her parental place. The applicant has already filed the petition under the Protection of Women from Domestic Violence Act i.e. COMA/193/2023 and the petition under Section 125 Cr.P.C. i.e. MNT-125/4816/2023, which are pending in the Courts at Bhiwani. Besides the same, qua the FIR bearing No.3 dated 25.01.2024, got lodged by the applicant, the trial is also pending in the Courts at Bhiwani. The respondent is making appearance in all the three cases. The applicant has no source of earning. Keeping in view the same, a prayer has been made for transfer of the divorce petition.

In view of the aforesaid fact situation, considering the fact of three litigations arising from the matrimonial discord, already pending in the Courts at Bhiwani, wherein the respondent is already making appearance and considering it to be inconvenient for the applicant also, to commute a distance of about 100 kilometres, to defend the divorce petition, more particularly, while taking care of the minor son, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/270/2023, titled '*Manish Vs. Pushpa*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Bahadurgarh, District Jhajjar, to the Court of competent jurisdiction at Bhiwani. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Bahadurgarh, to the District and Sessions Judge, Bhiwani.



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

11.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No