

TA-841-2023

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2025:PHHC:015315



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

Sr. No.202

TA-841-2023

Date of Decision: 03.02.2025

KOMAL

....Applicant

Versus

RAHUL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rajesh Duhan, Advocate
for the applicant.

Mr. B.S. Bajwa, 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/128/2023, titled '*Rahul Vs. Komal*', filed by the respondent-husband, pending in the Family Court Panchkula and she seeks transfer of the same to the Court of competent jurisdiction at Guhla, District Kaithal.

In pursuance of the notice issued, respondent made appearance through counsel and filed reply.

Learned counsel for the parties heard.

At the very outset, the counsel for the applicant submits that the marriage between the parties to the lis, had taken place on 18.02.2022, but no child was born from the said wedlock. However, due to the matrimonial discord, the parties are residing separate. The applicant is not working and as such, has no independent source of earning. In fact, she has filed the



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petition under Section 125 Cr.P.C., which is pending in the Courts at Guhla, District Kaithal, wherein the respondent is making appearance. Even, challan has been presented in the FIR bearing No.412 dated 06.10.2022, under Sections 323, 34, 406, 498-A, 506 and 509 IPC, got lodged by the applicant at Police Station Cheeka, District Kaithal. The said trial is also pending in the Courts at Kaithal. Even, the applicant has filed the petition under Section 12 of the Protection of Women from Domestic Violence Act, which is also pending in the Courts at Guhla, District Kaithal and the respondent is making appearance in the same also. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 155 kilometres, to defend the divorce petition.

On the other hand, the counsel for the respondent submits that even though, in the FIR, all the family members of the respondent were represented, but challan has only been presented against the applicant. Looking at this conduct of the applicant, the divorce petition ought not be transferred.

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, more particularly, when the applicant is not having any source of earning and also considering the distance between the two places, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/128/2023, titled '*Rahul Vs. Komal*', filed by the respondent-husband, stands transferred from the Family Court, Panchkula, to the Court of competent jurisdiction at Guhla, District Kaithal. The requisite record of the aforesaid case be sent by the Family Court, Panchkula, to the District and Sessions Judge, Kaithal.



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

03.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No