



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

Sr. No.117

TA-876-2024

Date of Decision: 23.01.2025

YOGITA

....Applicant

Versus

JAIDEEP RATHEE

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Hemant Hans, Advocate for the applicant.

Respondent proceeded against *ex parte*
vide order dated 14.01.2025.

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/986/2023, titled '*Jaideep Rathee Vs. Yogita*', filed by the respondent-husband, pending in the Family Court, Sonipat and she seeks transfer of the same to the Court of competent jurisdiction at Rohtak.

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.

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 04.02.2018. One son was born from the said wedlock, who is about 5 years old and is in the care and custody of the applicant. Also, it is submitted that on account of the matrimonial discord, the applicant had filed the petition under Sections 12, 18, 19, 20, 21 and 22 of the Protection of Women from Domestic Violence Act, bearing No.21/2024, which is pending in the Courts



at Rohtak and the respondent is pursuing the same. Also, she has filed the petition under Section 125 Cr.P.C. i.e. MNT-125/23/2024 and the same is also pending in the Courts at Rohtak. Besides the same, the trial of the FIR bearing No.135, under Sections 323, 377, 406, 498-A and 506 IPC, got lodged by the applicant, is pending in the Courts at Rohtak and the respondent is making appearance in the same.

On query by the Court, it is submitted that the applicant is not doing any job and as such, has no source of earning and is totally dependent upon her parental family.

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, more particularly, while the applicant is taking care of the minor son, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/986/2023, titled '*Jaideep Rathee Vs. Yogita*', filed by the respondent-husband, stands transferred from the Family Court, Sonipat, to the Court of competent jurisdiction at Rohtak. The requisite record of the aforesaid case be sent by the Family Court, Sonipat, to the District and Sessions Judge, Rohtak.

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

23.01.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No