



TA-926-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.123

TA-926-2024
Date of Decision: 29.04.2025

MINAKSHI

....Applicant

Versus

NARESH KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Satvir Singh, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

As per the observations made in the order dated 22.04.2025, despite service, the respondent did not make appearance on that date. Even today, he has not made appearance. As such, the respondent is proceeded against *ex parte*.

The counsel for the applicant heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/69/2024, titled '*Naresh Kumar Vs. Minakshi*', filed by the respondent-



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husband, pending in the Family Court, Barnala and she seeks transfer of the same to the Court of competent jurisdiction at Dhuri, District Sangrur.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 26.04.2021, but no child was born from the said wedlock. On account of the matrimonial dispute, the parties are residing separate. The applicant is not working and as such, has no source of earning. She has filed the petition under Section 12 of the Protection of Women from Domestic Violence Act, which is already pending in the Courts at Dhuri and the respondent is making appearance in the same. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 40 kilometres on one side, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the submissions aforesaid and also considering the preference generally given by the Courts to the convenience of wife in the transfer applications relating to the matrimonial disputes, more particularly, when the respondent has not come forward to resist the application; considering the fact of the applicant having no source of earning; and also considering the fact about one case arising from the matrimonial dispute, already pending in the Courts at Dhuri, which is being pursued by the respondent, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/69/2024, titled '*Naresh Kumar Vs. Minakshi*', filed by the respondent-husband, stands transferred from the Family Court, Barnala, to the Court of competent jurisdiction at Dhuri, District Sangrur. The requisite record of the aforesaid case be sent by the Family Court, Barnala, to the District and Sessions Judge, Sangrur.



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

29.04.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No