



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

Sr. No.104

TA-1003-2023

Date of Decision: 23.01.2025

PRIYA

....Applicant

Versus

RAJIV KUMAR ALIAS RAJIV CHANANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

Mr. K.S. Brar, 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/337/2023, titled '*Rajiv Kumar @ Rajiv Chanana Vs. Priya*', filed by the respondent-husband, pending in the Family Court, Faridkot and she seeks transfer of the same to the Court of competent jurisdiction at Bathinda.

In pursuance of the notice issued, respondent made appearance through counsel. The counsel for the respondent submits that he does not intend to file reply to the transfer application, though he contests the same.

Learned counsel for the parties 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 12.10.2013. Two sons were born from the said wedlock, who are about 9 years old and 3 years old. The younger son is residing with the applicant, whereas, the elder one is in the care and custody of the respondent. Further, it is submitted that on account of the matrimonial discord, the parties are residing separate. The applicant is not having any source of earning. Also, it is submitted that after filing of the present transfer application, the applicant has also filed the petition under Section 125 Cr.P.C., as well as the petition under the Protection of Women from Domestic Violence Act, which are pending in the Courts at Bathinda and they are pursued by the respondent.

On the contrary, the counsel for the respondent submits that the brother of the applicant has misbehaved with the respondent and as such, he has threat to his life, on this account.

Taking into consideration the aforesaid factual position, 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 taking into consideration the younger son residing with the applicant and she having no source of earning and above all considering the fact that two other litigations arising from the matrimonial dispute are pending in the Courts at Bathinda, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/337/2023, titled '*Rajiv Kumar @ Rajiv Chanana Vs. Priya*', filed by the respondent-husband, stands transferred from the Family Court, Faridkot, to the Court of competent jurisdiction at Bathinda. The



requisite record of the aforesaid case be sent by the Family Court, Faridkot, to the District and Sessions Judge, Bathinda.

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

23.01.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No