



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.104

TA-949-2024
Date of Decision: 01.03.2025

AARTI

....Applicant

Versus

AMIT KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

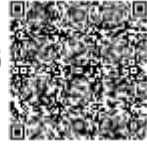
Present:- Mr. Vipin Kumar, Advocate
for the applicant.

None 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/121/2024, titled '*Amit Kumar Vs. Aarti*', filed by the respondent-husband, pending in the Family Court (Camp Court) Tohana, District Fatehabad and she seeks transfer of the same to the Court of competent jurisdiction at Hisar.

As observed in the order dated 07.02.2025, none had made appearance on behalf of the respondent, despite service. Even today, none has made appearance on his behalf. As such, the respondent is 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 16.10.2011. Two children, one daughter and one son, were born from the said wedlock. The minor daughter is presently in the care and custody of the applicant, whereas the son is residing with the respondent. On account of the matrimonial discord, the parties are residing separate. Further, it is submitted that the applicant has no source of earning and is dependent upon her parental family. Even, she has filed the petition under Section 125 Cr.P.C. i.e. MNT-125/394/2023, which is pending in the Courts at Hisar 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 80 kilometres, to defend the divorce petition, more particularly, while taking care of the minor daughter.

In view of the submissions aforesaid, 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 respondent has not come forward to defend the transfer application and also considering the fact about the applicant to be taking care of the minor daughter, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/121/2024, titled '*Amit Kumar Vs. Aarti*', filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Tohana, District Fatehabad, to the Court of competent jurisdiction at Hisar. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Tohana, to the District and Sessions Judge, Hisar.



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

01.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No