

TA-897-2025

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2025:PHHC:168762



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

Sr. No.114

TA-897-2025

Date of Decision: 04.12.2025

ISHA JAIN

....Applicant

Versus

VIPIN BANSAL

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Neeru Bansal, Advocate
for the applicant
(through video conferencing).

None for the respondent.

ARCHANA PURI, J. (Oral)

As per office noting, summon sent for service of the respondent received back duly served. However, none has made appearance on behalf of the respondent. Even, the mediation report, which is coming forth, reveals about the respondent having joined the mediation proceedings, though, the compromise did not fructify. In the given circumstances, the respondent is proceeded against *ex parte*.

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/432/2025, titled '*Vipin Bansal Vs. Isha Jain*', filed by the respondent-



husband, pending in the Family Court, Yamunanagar at Jagadhri and she seeks transfer of the same to the Court of competent jurisdiction at Hisar.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 10.12.2020, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. The applicant is employed in National College of Ayurveda & Hospital, Barwala, Hisar. On query by this Court, it is disclosed that the applicant is working as 'Teacher' in the said college. Also, it is submitted that the distance between Hisar and Yamunanagar is about 190 kms. The applicant is having aged parents, who are unable to accompany her to the Courts at Yamunanagar. In the given circumstances, considering the distance, it is difficult for the applicant, to commute and further defend the petition under Section 9 of the Hindu Marriage Act.

At the very outset, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, while considering the transfer application relating to the matrimonial dispute, though, it may not be a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. Each case has to be decided in its own factual background and one distinctive circumstance may change the fate of the transfer application. There are several factors, which are required to be taken into consideration. In the present case, there is no child born from the estranged marriage. However, the distance between the two places, which is about 190 kms., in itself is the most relevant factor.



In view of the aforesaid fact situation and above it, considering the fact about the respondent having not come forward to resist the application, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/432/2025, titled ‘*Vipin Bansal Vs. Isha Jain*’, filed by the respondent-husband, stands transferred from the Family Court, Yamunanagar at Jagadhri, to the Court of competent jurisdiction at Hisar. The requisite record of the aforesaid case be sent by the Family Court, Yamunanagar, 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.

04.12.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No