



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

Sr. No.116

TA-996-2024

Date of Decision: 05.03.2025

SUMAN

....Applicant

Versus

SUDHIR KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. S.S. Sahu, 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/217/2021, titled '*Sudhir Vs. Suman*', filed by the respondent-husband, pending in the Family Court, Sirsa and she seeks transfer of the same to the Court of competent jurisdiction at Ratia, District Fatehabad.

As observed in the order dated 18.12.2024, 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 31.01.2016. One son born from the said wedlock, who is about 2½ years old, is in the care and custody of the applicant. The applicant is residing at her parental place and she has



no independent source of earning. She is totally dependent upon her parental family. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 70 kilometres, to defend the divorce petition.

In view of the aforesaid fact situation, 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 respondent has not come forward to contest the application and also taking into consideration the fact about the applicant to be taking care of the minor son, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/217/2021, titled ‘*Sudhir Vs. Suman*’, filed by the respondent-husband, stands transferred from the Family Court, Sirsa, to the Court of competent jurisdiction at Ratia, District Fatehabad. The requisite record of the aforesaid case be sent by the Family Court, Sirsa, to the District and Sessions Judge, Fatehabad.

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

05.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No